By Mr. GOEBEL: Paper to accompany bill for relief of Henry Weidig—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Paper to accompany bill for relief of George F. Irvine—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Paper to accompany bill for relief of Frank E. Wadhams—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Larr—to the Committee on War Claims.

By Mr. HAWLEY: Papers to accompany bills for relief of Cleveland Eggers, Shadrach Hudson, Paris R. Winslow, and Rebecca M. Gaunt—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Papers to accompany bills for relief of William H. Salmon, Charles A. Haggerty, George H. Bryan, and Augustus Vander Veer—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of Manufacturers and Merchants' Association of Utah, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Paper to accompany bill for relief of Henry Charles Weinmann—to the Committee on Pensions.

By Mr. McCALL: Petition of National Institute of Arts and Letters, for removal of duty on art works—to the Committee on Ways and Means.

By Mr. MANN: Papers to accompany bills for relief of Charles Fribolin and Robert Cranston—to the Committee on Invalid Pensions.

Also, petition of Business Science Club of Chicago, indorsing solution of parcels-post problem as proposed by the Municipal Service League—to the Committee on the Post-Office and Post-Roads.

Also, petition of directors of the Chicago Board of Trade, against legislation empowering handling and inspection of grain by the Federal Government—to the Committee on Agriculture.

Also, petition of citizens of Chicago, for repeal of duty on art works—to the Committee on Ways and Means.

Also, petition of American Hardware Manufacturers' Association, against revision of tariff laws—to the Committee on Ways and Means.

Also, petition of citizens of Chicago, for legislation to secure reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of William H. Jones, Samantha Schrimpsher, and James F. Campbell—to the Committee on War Claims.

Also, paper to accompany bill for relief of John H. Jackson—to the Committee on War Claims.

By Mr. OLCOTT: Paper to accompany bill (H. R. 4523) for relief of Addison C. Fletcher in matter of invention of revenue-stamp cancellation machine—to the Committee on Claims.

By Mr. PORTER: Petition of Minnie Luth and others, of Niagara County, N. Y., for increase of widows' pension from $8 to $12 per month—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Honolulu Chamber of Commerce, for improvement of Pearl Harbor, Hawaiian Islands—to the Committee on Rivers and Harbors.

Also, petition of Carriage Builders' National Association, for forest reservation in Appalachian Mountains—to the Committee on Agriculture.

By Mr. SHERMAN: Paper to accompany bill for relief of Alton E. Cobb—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of E. M. Champlin and 19 others, of Springport, Mich.; E. B. Rorick & Co. and 34 others, of Morenci, Mich., and Michigan Retail Implement and Vehicle Dealers, against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, letter of J. H. McGowan, relative to H. R. 20267, with recommendation for introduction of another similar bill—to the Committee on the Public Lands.

By Mr. WANGER: Petition of J. S. Briggs and 21 others, of Montgomery County, Pa., for legislation to adequately protect the dairy interest—to the Committee on Agriculture.

Also, memorial of the Joint Executive Commission on the Improvement of the Harbor of Philadelphia and the Delaware and Schuylkill Rivers, representing the Philadelphia Board of Trade, Philadelphia Commercial Exchange, Philadelphia Drug Exchange, Grocers and Importers' Exchange, Trades League of Philadelphia, Philadelphia Bourse, Vessel Owners and Captains' Association, Manufacturers' Club, Board of Harbor Commissioners, Lumberman's Exchange, and Master Builders' Exchange, for a survey of the Delaware River for the purpose of determining the feasibility and cost of securing a channel of adequate width and 35 feet deep at mean low water, from Allegheny avenue, Philadelphia, to deep water in Delaware Bay—to the Committee on Rivers and Harbors.

Also, memorial of Joint Executive Commission on the Improvement of the Harbor of Philadelphia and the Delaware and Schuylkill Rivers, representing the Philadelphia Board of Trade, Bourse, Commercial Exchange, Grocers and Importers' Exchange, Trades League, Vessel Owners and Captains' Association, Manufacturers' Club, Board of Harbor Commissioners, Lumbermen's Exchange, and Master Builders' Exchange, for a survey of the Delaware River between Allegheny avenue, Philadelphia, Pa., and Trenton, N. J., in order to secure the formation of a plan for the deepening of the said river to a depth adequate for the vessels engaged in transportation thereon, and to furnish the data for determining the practicability and cost of such further improvement of this part of the Delaware River, as well as provide an adequate link in the general scheme for a deeper inland waterway along the Atlantic coast—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Petition of Frank Beatson and others, against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 10, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

HOUSE OFFICE BUILDING.

Mr. MANN. Mr. Speaker, I ask unanimous consent to make a short statement in reference to the House Office Building.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I would like to say, for the benefit of the Members of the House, that keys to the rooms, where they have not already been given out, can be procured at room 303. Any suggestion which may be made by Members or any complaint which they desire to call attention to can also be made at room 303. I would like to add, for the benefit of the Members, that there are some things yet to be done in the new building. There are a few doors which are not yet hung, although I think they are now on the side track in the city and will be put up at once. Just as rapidly as it is possible to do it all of the rooms will be put in perfect and completed shape. The Superintendent of the Capitol Building and Grounds, Mr. Woods, who is in charge and who will have a person named by him at room 303, will be very glad to receive suggestions from Members in regard to their office rooms or from chairmen of committees in regard to their committee rooms.

NATIONAL BANKS.

Mr. FOWLER. Mr. Speaker, I have a privileged resolution from the Committee on Banking and Currency calling upon the Secretary of the Treasury for certain information, and I will be glad to have it considered.

The SPEAKER. Does the gentleman report the resolution from the Committee?

Mr. FOWLER. Yes, sir; it is reported unanimously.

The SPEAKER. The gentleman from New Jersey, chairman of the Committee on Banking and Currency, reports from that committee a resolution, which the Clerk will report.

The Clerk read as follows:

Resolution 41.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the House of Representatives:

First. The total number of national banks in operation on November 1, 1907, and December 1, 1907, in each State and Territory of the United States and the District of Columbia. The total amount of capital stock and unimpaired surplus of such banks in each of said States and Territories of the United States and the District of Columbia at that time.

Second. The total amount of public money in each of said national banks aforesaid in each of said States and Territories of the United States and the District of Columbia on October 1, 1907, and December 1, 1907.

Third. The character of security required by the Government of the United States as security for the deposit of said public money of the United States in the various national banks in each of the said States and Territories of the United States and the District of Columbia.

Also, the following committee amendment:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the House of Representatives:

First. The total number of national banks in operation on August 22, 1907, and December 3, 1907, in each State and Territory of the United States and the District of Columbia. The total amount of capital stock and unimpaired surplus of such banks in each of said States and Territories of the United States and the District of Columbia at each of said dates.

Second. The total amount of public money in each of said national banks aforesaid in each of said States and Territories of the United

States and the District of Columbia on October 1, 1907, December 1, 1907, and January 1, 1908, respectively.

Third. The character and a list of the securities required and held by the Government of the United States as security for the deposit of said public money of the United States in the various national banks in each of the said States and Territories of the United States and the District of Columbia, on the following dates, August 22, 1907, December 3, 1907, and January 1, 1908.

Fourth. The amount of capital of each national bank, the amount of circulation authorized to be taken out by each national bank, the amount of national bank notes of each bank in actual circulation on August 22, 1907, and December 3, 1907, what banks have taken out additional circulation since the 3d day of December, 1907, to and including January 1, 1908, and in what amounts, respectively.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

On motion of Mr. FOWLER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

COMMITTEE ON ACCOUNTS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer the following privileged report from the Committee on Accounts:

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House for stenographic and typewriting services for the Committee on Accounts, from the beginning of the present fiscal year, in the compilation of laws, decisions, tabular statements, and debates, pursuant to the act of March 3, 1901, relative to the employment, duties, and compensation of employees of the House of Representatives, such compensation as may be deemed proper by said committee, not exceeding the rate of $75 per month.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 623. An act to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington; and

S. 1427. An act to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 623. An act to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington—to the Committee on Interstate and Foreign Commerce; and

S. 1427. An act to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898—to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

Joint resolution (H. J. Res. 80) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. Hernan Ulloa, of Costa Rica.

CLERKS TO COMMITTEES.

Mr. HUGHES of West Virginia also submitted the following resolution:

Resolved, That clerks to committees of the House during the session provided for by the legislative, executive and judicial appropriation bill, for the fiscal year ending June 30, 1908, be, and they are hereby, allowed and assigned for the present Congress to the following committees, namely:

To the Committee on Coinage, Weights, and Measures, a clerk;
To the Committee on Education, a clerk;
To the Committee on Militia, a clerk;
To the Committee on Mines and Mining, a clerk;
To the Committee on Railways and Canals, a clerk;
To the Committee on Reform in the Civil Service, a clerk;
To the Committee on Levees and Improvements of the Mississippi River, a clerk;
To the Committee on the Election of President, Vice-President, and Representatives in Congress, a clerk;
To the Committee on Accounts, an assistant clerk;
To the Committee on Invalid Pensions, an assistant clerk.

The question was submitted, and the resolution was agreed to.

STENOGRAPHER TO COMMITTEE ON INVALID PENSIONS.

Mr. HUGHES of West Virginia also submitted the following resolution:

House resolution 35.

Resolved, That the chairman of the Committee on Invalid Pensions be authorized to appoint a stenographer for said committee for the Sixtieth Congress, at a salary of $6 per day, to be paid out of the contingent fund of the House.

The amendment recommended by the committee was read, as follows:

The pay of said stenographer shall commence from the time he entered upon the discharge of his duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

SECOND HOMESTEAD ENTRY.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 300) providing for second homestead entries.

The bill was read, as follows:

A bill (H. R. 300) providing for second homestead entries.

Be it enacted, etc., That any person who, prior to the passage of this act, has made entry under the homestead laws, but from any cause has lost or forfeited the same, shall be entitled to the benefits of the homestead law as though such former entry had not been made, and any person applying for a second homestead under this act shall furnish the description and date of his former entry.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. WILLIAMS. Reserving the right to object, I desire to ask the gentleman some questions about the bill. In the first place, is it a unanimous report from the committee?

Mr. GRONNA. I would say, in reply to the gentleman, that it is a unanimous report of the full committee, and has the indorsement of the Secretary of the Interior and the Commissioner of the General Land Office.

Mr. WILLIAMS. Will the gentleman please explain the intendment of the bill to the House?

Mr. GRONNA. I have sent a copy of the report up to the Clerk, and I will ask him to read it.

Mr. WILLIAMS. I suggest to the gentleman that he explain it, and the House will be very much better pleased.

Mr. GRONNA. I will yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I think the intent of the bill can be very briefly explained. It is a bill allowing those who prior to the passage of the bill made an attempt to secure a homestead, but have failed to do so, to make another homestead filing. This legislation is identical in language with an act passed in 1900, and practically the same as an act passed in 1889. It has been the custom at intervals to provide that where homesteaders have been unable to complete proof and obtain title they shall be given an opportunity for another trial to make a home on the public land. That is all that is embraced in the matter. It is in line of former legislation, and no objection to it is offered by the Interior Department.

Mr. MANN. Will the gentleman yield to a question?

Mr. MONDELL. I will be very glad to.

Mr. MANN. It has been suggested at times that a good many people who have made homestead entries have lost them by reason of fraud found by the Department. Now, suppose some man who has made a homestead entry, and in making it has endeavored to perpetrate a fraud, and his claim, as you describe it, was lost, is he to be given an opportunity to commit another fraud by reason of this law?

Mr. MONDELL. Why, Mr. Speaker——

Mr. MANN. Will that be the effect if this measure becomes law?

Mr. MONDELL. Mr. Speaker, the cases in which men lose homestead entries through fraud are comparatively rare. No such objection as the gentleman offers has been offered by the Interior Department, which is exceedingly careful in these matters. They have heretofore operated under the law of 1889, which is similar, and under the law of 1900, which is identical in language, and they see no objection to the passage of this bill.

Mr. MANN. If there is a law already in force, what is the object of this law?

Mr. MONDELL. The law of 1889 gave those who had made the attempt to secure homesteads prior to 1889 an opportunity to try again; the law of 1900 gave those who had prior to 1900 made an effort but lost their homestead to try again. Now, this will cover the intervening period.

Mr. MANN. But this would cover prior to 1900 and prior to any other time?

Mr. MONDELL. Oh, certainly; it would cover anything prior to its passage, but a man who attempted to take a homestead before 1889 and lost it can come under that legislation. The man who made the effort prior to former legislation and failed does not need this legislation, because he still can take advantage of the former legislation. It is only the man who has made the effort since 1890 and failed who requires this legislation.

Mr. MANN. Then, there would be no harm in putting that exception into this bill, and also in putting in a provision that if the forfeiture is by reason of fraud committed the applicant shall not have the right to make a new entry. Now, would the gentleman be willing to amend his bill in that way?

Mr. MONDELL. Just a moment, if the gentleman will allow me. The difficulty with the gentleman's proposition of amendment, as I understand it, is this: How are you going to determine, and who is going to determine, the question involved? Are you going to compel every entryman who comes up to make a second homestead entry, who has never obtained title to land under the homestead law, who has made an effort in the drought-stricken regions of the West or Southwest, and failed——

Mr. MANN. I thought there were none.

Mr. MONDELL. The man who has failed and lost his all; how is the gentleman going to compel him to prove conclusively that there was by no possibility any fraud in his original entry?

Mr. MANN. That is not my suggestion at all.

Mr. MONDELL. I will remind the gentleman again that the Departments are careful, sometimes overcareful, in the execution of the law, and certainly the Department having knowledge of the effect of the law of 1899, and having administered the law of 1900, would not favor legislation of the same character if they felt that they were, by this legislation, allowing any one a homestead who ought not to have it.

I want to call the gentleman's attention to the fact that all we propose to do is to give a man a right to get a homestead who has never obtained one.

Mr. MANN. That is all the gentleman desires to do, but I am afraid that is not all he does do. Does the Department, when it forfeits a homestead entry, give any reason for it?

Mr. MONDELL. Homestead entries are lost or forfeited in the regions where men find it difficult to comply with the law and make proof, generally by abandonment.

Mr. MANN. Yes, generally, but sometimes directly by the Department.

I suggest to the gentleman that he withdraw his request for unanimous consent, and fix that provision of the bill so that it shall not be possible for men who have forfeited their homestead rights through fraud, found by the Land Office, to endeavor to impose upon the Government again.

Mr. MONDELL. Certainly the gentleman has a right to object to unanimous consent for consideration.

Mr. MANN. That is the reason why the gentleman from Illinois made the suggestion to the gentleman from Wyoming.

Mr. MONDELL. The amendment the gentleman suggests has never been considered necessary in any former legislation.

Mr. MANN. No; and the fraud has continued.

Mr. MONDELL. In the minds largely of gentlemen who do not know anything about the conditions surrounding the public lands.

Mr. MANN. Of course the gentleman from Illinois is not personally familiar. The information which I have on the subject I have acquired from reading the reports of the gentlemen in charge of the Government business—the Commissioner of the General Land Office, the Secretary of the Interior, the Department of Justice. It may be that they are all wrong and that the gentleman from Wyoming is correct in his notions that there is very little fraud. I do not know.

Mr. MONDELL. I want to call the gentleman's attention to the fact that these are homestead cases; that the Departments which the gentlemen says have called attention to the alleged frauds have themselves offered no objection to this legislation. They have been acting under similar legislation in years past. They have had no fault to find with it at any time. They have no fault to find with it now, as indicated in a letter written to the committee.

Mr. GRONNA. Let me suggest to the gentleman from Illinois——

Mr. BONYNGE. Are not the cases of fraud which the gentleman refers to cases arising under the timber and stone act and the coal-land laws and not under the homestead laws?

Mr. MANN. Oh, they arise under all the laws. Mr. Speaker, for the present I shall object.

Mr. GRONNA. I hope the gentleman will withdraw his objection for a moment.

Mr. MONDELL. Mr. Speaker, I think I can amend it, if the gentleman insists——

Mr. MANN. Well, amend it, and then bring it into the House to-morrow.

Mr. MONDELL. We can amend in a few words, Mr. Speaker, if the gentleman insists.

The SPEAKER. The gentleman can consult with the gentleman from Illinois, and he can again call up the bill. He can be recognized for that purpose later.

BRIDGE ACROSS CUMBERLAND RIVER AT CELINA, TENN.

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10519, to authorize the Nashville and Northeastern Railroad Company to construct a bridge across Cumberland River at Celina, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Nashville and Northeastern Railroad Company, a corporation organized under the laws of the State of Tennessee, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Cumberland River at Celina, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 1, at the end of line 7, insert "or near."

Amend the title by inserting in line 2, after the word "at," "or near."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Tennessee if this bill has been reported by a committee?

Mr. HULL of Tennessee. It is reported unanimously by the Committee on Interstate and Foreign Commerce.

The SPEAKER. The Chair hears no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HULL of Tennessee, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DAM ACROSS SNAKE RIVER IN THE STATE OF WASHINGTON.

Mr. JONES of Washington. Mr. Speaker, I again call up the bill H. R. 7618, to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River in the State of Washington. I understand the gentleman from Mississippi will not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Benton Water Company, a corporation duly organized under the laws of the State of Washington, its successors or assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Snake River at or near Fivemile Rapids, in the State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Washington give me probably fifteen minutes' time to have the Clerk read to the House a letter and some resolutions of the citizens of Two Rivers, in that neighborhood, against the passage of the bill. I do not feel like objecting to the consideration, Mr. Speaker, if that leave is granted me, because I think that full duty will be done if objections are read to the House and stated so that the House may consider the bill on its merits.

The SPEAKER. If unanimous consent is given, the bill will be before the House for consideration. Is there objection to the present consideration?

Mr. WILLIAMS. Not if I am granted the time I ask for.

Mr. JONES of Washington. I will yield to the gentleman.

The SPEAKER. The Chair understands that unanimous consent is given for the present consideration of the bill and, as the Chair understands, the gentleman from Washington takes the floor and yields to the gentleman from Mississippi?

Mr. JONES of Washington. I do yield to the gentleman from Mississippi.

The SPEAKER. The Chair hears no objection to the consideration of the bill.

Mr. WILLIAMS. I now request the Clerk to read to the House, and I ask the House to listen to a letter of Jacob Moser, of Two Rivers, in Washington, written in opposition to the bill.

The Clerk read as follows:

TWO RIVERS, WASH., *December 31, 1907.*

Congressman JOHN SHARP WILLIAMS,
Washington, D. C.

DEAR SIR: I send you herewith a copy of some resolutions recently adopted by the citizens of this place and vicinity in mass convention assembled, which gives reasons why a grant to the Benton Water Company of the right to construct a dam across Snake River at Fivemile Rapids, as asked for by a bill introduced in Congress in the interest of that company, would create a monopoly of the water-power possibilities of this section of the country, and would enable it to lay a heavy hand upon and exact extortionate tribute of agricultural, manufacturing, and transportation enterprises of the section. These resolutions ask for the construction of such a dam by the Government, or, if not that, then by a private company under such restrictions as would give to the country the most beneficial use of the water power that would thereby be produced, and enable the Government to regulate the rates such a company might charge consumers of power or water users for water rights. By means of a portion of the power from such a dam many thousand acres of arid land about the confluence of Snake and Columbia rivers could be irrigated and become very productive, and the necessary power required for the irrigation of these lands could be disposed of therefor for enough to pay for the entire cost of such a dam, and there would be abundance of power left that would be worth several millions of dollars and that could accomplish much for the upbuilding of this section of the country. Henry Villard, the great railroad builder of his time, who built the Northern Pacific Railroad, once said that if ever means be found of making productive the lands about the confluence of Snake and Columbia rivers, there would then arise in that vicinity the largest inland city of the Northwest. Henry Villard has passed beyond with this prediction unfulfilled and with an inland city built up in the Northwest (Spokane) which has a population of about 100,000 people, but these lands have not yet been made productive, and a dam across Snake River at Fivemile Rapids has not been constructed to develop a water power that could be put to the many purposes possible. This dam would greatly improve Snake River as a national water highway, if locks be constructed in connection with such a dam. We hope to see the time when Columbia and Snake rivers will be developed as national water highways, and so developed by means of dams thereacross as incidents thereto that water power will be available for the construction and operation of electric railroads to these rivers as trunk lines of water transportation from surrounding towns and cities off of these streams, where most of the traffic in the basins of these large rivers originates, to serve as branches and feeders of traffic to these trunk lines of water transportation, and that such water powers can not fall into the hands of railroad companies to prevent competition and make these rivers practically useless as water highways or into the hands of monopolies and trusts; and that such water powers will be serviceable for manufacturing enterprises and for the irrigation of many thousands of acres of arid land, to give homes to many, and to develop the resources of the country and to add to the wealth and prosperity of the nation. The Democrats of this section favor these resolutions and would much prefer the construction of such a dam by the Government than by a private company, and oppose the construction of such a dam by a private company unless under such rules and regulations as will enable the Government to acquire for the country the most beneficial use of the water power produced and to regulate the rates that may be charged consumers of power or water users for water rights for arid lands. So, on behalf of the Democrats of this section, and as a Democrat, I write you as the leader of the Democrats of the House, to oppose the bill introduced, unless at least proper restrictions be made for the purposes mentioned, and secure, if possible, the construction of such a dam by the Government. The resolutions provide, as you will observe, for an investigation as to the feasibility of this dam and its importance to the country before construction shall be undertaken. If nothing more than an investigation, as called for by these resolutions, be obtained, we think considerable will be accomplished for this section of the country.

Thanking you for what consideration you may be able to give to the subject-matter of these resolutions, and for what attention and assistance you may be able to give in this matter, I am, most respectfully,

Yours, truly,

JACOB MOSER.

Mr. WILLIAMS. Now, Mr. Speaker, I ask the House to listen while the Clerk reads certain resolutions adopted by the citizens of Wallawalla County in the State of Washington, in mass convention assembled, against the passage of that bill.

The Clerk read as follows:

Resolutions adopted by citizens of and about Two Rivers, Wallawalla County, Wash., in mass convention assembled, petitioning Congress for the construction, by the Government instead of by the Benton Water Company, of a dam with locks across Snake River at Fivemile Rapids.

(1) That thereby this river may be greatly improved as a national water highway;

(2) That thereby, in connection with power and pumping plants, over 40,000 acres of arid land in Wallawalla, Franklin, and Benton counties, Wash., may be irrigated by irrigation districts;

(3) That thereby power will be available for the construction and operation of electric railroads to Snake and Columbia rivers as branch feeders thereto from wheat-producing sections of the Northwest;

(4) That thereby power will be available for various manufacturing and industrial enterprises referred to;

And setting forth reasons why a grant to the Benton Water Company of a right to construct such a dam and possess the water power thereby produced, as asked for by a bill introduced in Congress, would create a monopoly of the water-power possibilities of the section and enable it to lay a heavy hand upon and exact extortionate tribute of agricultural, manufacturing, and transportation enterprises of the section.

(1) Whereas a bill has been introduced in Congress to grant to the Benton Water Company the right to construct a dam across Snake River at Fivemile Rapids, together with the right to develop and enjoy the water power that would thereby be produced, without, as we are informed, any provision as to what uses such power shall be put to, or any provisions that would enable the Government to secure the most beneficial uses thereof, and without, as we are informed, any provisions that would enable the Government to regulate the rates that may be charged by such company to consumers of such power;

(2) Whereas the Chamber of Commerce, of Franklin County, Wash., and the Pasco Commercial Club, of Pasco, Wash., have adopted resolutions that Congress be asked to grant to the Benton Water Company, or any responsible company, the right to construct such a dam, together with the right to develop and enjoy the water power that would thereby be produced, if satisfactory assurance be given to the Government that it is financially able to construct such a dam and to develop the water power that would thereby be produced, but under such conditions and upon such terms as would secure (1) the construction of such a dam, together with locks in connection therewith, within a reasonably limited time, and the continuous maintenance and operation thereof, by such company, its successors or assigns, in a manner that navigation of Snake River would thereby be improved and not impeded, and (2) the use of such locks by vessels free from tolls, and (3) a right in a governmental agency to direct the uses such power may be put to, so that the most beneficial use thereof will be obtained for the country, and (4) a right of control by the Government of the rates that may be charged by such company, its successors or assigns, to consumers of such power, so that such company, its successors or assigns, may receive reasonably fair profits on investments, but can not become a trust or monopoly of the water power of this section of the country to lay a heavy toll upon or exact extortionate tribute of transportation, agricultural, manufacturing, or industrial enterprises of the section;

(3) Whereas President Roosevelt has recommended to Congress that the Mississippi and Columbia river systems be developed as national water highways, and that, "as incidents to such development, Government dams be used to produce thousands of horsepower;"

(4) Whereas a 20-foot dam with locks just below the Fivemile Rapids of Snake River would, by backing and deepening the water thereabove, remove these rapids, together with several other rapids above, as obstructions to navigation of this water highway in seasons of low water, and would do much toward the development of this stream as a national water highway, and would, as an incident to such development, create a water power of 20,000 or more of horsepower of a value that would exceed several times the cost of such a dam and locks and the development of such power;

(5) Whereas the cost of such a dam and locks and development of the water power that would thereby be created would probably not exceed $1,000,000;

(6) Whereas some of the horsepower that would be produced by such a dam could make possible the construction and operation of electric railroads to the Snake and Columbia rivers, which would be branches and feeders to these trunk lines of water transportation from the neighboring towns and cities of the inland empire that are off of these streams and where most of the traffic of this vast section of country originates;

(7) Whereas electric railroads as aforesaid, in connection with these water highways, would give additional and cheaper transportation to much of the wheat produced in the Northwest and to considerable other traffic of the inland empire, and would give to this section of country relief from the present congestion of traffic on the transcontinental lines traversing it, and would enable this section to increase its production and further develop its great resources, and would help to regulate the rates of transportation in the Northwest, and would by handling considerable traffic, enable these transcontinental railroads to give better service to and handle more traffic from other sections of the country that are not traversed by navigable rivers;

(8) Whereas some of the horsepower that would be produced by such a dam could doubtless in time, if the Snake and Columbia rivers be developed as national highways, and if electric railroads be constructed and operated thereto as branches and feeders thereof from the wheat fields of the Northwest, enable a large portion of the wheat produced in the Northwest to be manufactured into flour and milling stuffs in the towns about the confluence of the Snake River with the Columbia River, considering (1) That the greater portion by far of the wheat produced in the Northwest passes through these towns from the fields of production to the markets of consumption, thereby giving to these places for milling purposes a great quantity and variety of wheat to draw from; (2) That water power produced by such a dam could be available therefor, and could be cheaply sold to milling interests of the Northwest; and (3) That by means of such electric railroads and these water highways as aforesaid this wheat could come to these towns at a cheap rate of transportation, and could, on being manufactured into flour and milling stuffs, be cheaply transported in such forms from these towns down upon the Columbia River to the markets of consumption; and (4) That more of this wheat is apt to be ground into flour as the Northwest develops by means of irrigation and otherwise and as Alaska and oriental trade in this article increases; and (5) That, with cheaper transportation and water power, more of the wheat of the Northwest could be ground into flour and milling stuffs, as a few cents difference in the price of flour makes quite a difference in the quantity consumed in the oriental markets;

(9) Whereas some of the horsepower that would be produced by such a dam could be used in the surrounding towns for lighting, manufacturing, and other industrial purposes that now are prevented by the high price of coal in the Northwest.

(10) Whereas some of the horsepower that would be produced by such a dam could, in connection with pumping plants operating under low lifts, enable many thousands of acres of the low-lying arid lands along the Columbia River, situated in Franklin, Wallawalla, and Benton counties, Wash., to be irrigated and become the homes of many families, where by irrigation sugar beets could be raised and sugar manufactured therefrom to lessen the importation of that product from foreign countries, and where by irrigation such products as alfalfa, corn, fruits, and garden truck could be profitably raised to increase the agricultural wealth of the country;

(11) Whereas in the vicinity of the town of Two Rivers, in the western part of Wallawalla County, Wash., there are, exclusive of lands under the Columbia Canal Company's irrigation canal from the Wallawalla River, about 20,000 acres of arid land that could be irrigated by means of a power and pumping plant at Fivemile Rapids and by a small portion of the water power that would be produced by such a dam, as there are about 8,000 acres of these lands under an elevation of 45 feet above the waters of Snake River at these rapids, and about 5,000 acres more under an elevation of 85 feet, and about 7,000 acres more under an elevation of 150 feet, particularly as such a dam would itself raise the water to be pumped 20 feet and thereby decrease these elevations to 25, 65, and 130 feet, respectively;

(12) Whereas in the vicinity of the town of Pasco, of Franklin County, Wash., there are about 22,500 acres of arid land that could be irrigated by means of a power and pumping plant at Fivemile

Rapids and by a small portion of the water power that would be produced by such a dam, as there are about 5,000 acres of these lands under an elevation of 55 feet above the waters of Snake River at Fivemile Rapids, and about 4,000 acres more under an elevation of 75 feet, and about 6,500 acres more under an elevation of 100 feet, and about 7,000 acres more under an elevation of 150 feet, particularly as such a dam would decrease the lifts required for these lands to 35, 55, 80, and 130 feet, respectively;

(13) Whereas there are in Benton County, Wash., several thousand acres of arid land that could be irrigated by pumping plants and a small portion of the power that would be produced by such a dam, if such power be transformed into electrical energy and thereupon transmitted a few miles to pumping plants in the vicinity of these lands;

(14) Whereas there are many thousands of acres in Franklin and Wallawalla counties that lie between the 150 and 200 foot elevations which possibly should be irrigated by means of a power and pumping plant at Fivemile Rapids;

(15) Whereas these 20,000 acres of land in the vicinity of Two Rivers, if irrigated, would be as valuable per acre as the neighboring lands under the canal of the Columbia Canal Company, which, with water rights from such company, sell for from $150 to $200 per acre in their unimproved state, and would, in consequence, be worth from $3,000,000 to $4,000,000, as soon as water be supplied therefor, and would, when improved, be worth from $6,000,000 to $8,000,000, and would then add that much taxable property to the county of Wallawalla;

(16) Whereas these 22,500 acres of land in the vicinity of Pasco, if irrigated, would be worth per acre as much as the neighboring lands under irrigation in the vicinity of Kennowick, Wash., which, with water rights, sell for from $150 to $200 per acre in their unimproved state, and would, in consequence, be worth from $3,375,000 to $4,500,000, as soon as water be supplied therefor, and would, when improved, be worth from $6,750,000 to $9,000,000, and would then add that much taxable property to Frankiin County, Wash.;

(17) Whereas the irrigation of these lands in the vicinity of Two Rivers and Pasco that are under the 150-foot elevation, aggregating about 42,500 acres, would provide homes for many families, as doubtless in time they would be divided up in small tracts of from 5 to 40 acres each and be devoted to gardening, orcharding, dairying, etc., and would, when improved, increase the taxable property of the State by from $12,750,000 to $17,000,000, and would add that much wealth to the entire country;

(18) Whereas the irrigation of these lands in Benton County above referred to, and the lands in Franklin and Wallawalla counties above referred to as being between the 150 and 200 foot elevations, would add several millions of dollars' worth of taxable property to the State and as wealth to the country;

(19) Whereas the irrigation of these lands in the vicinity of Pasco would give relief to some of those who settled there with the expectation that the Government would carry out the Palouse irrigation project, the abandonment of which was such a sore disappointment to many;

(20) Whereas the irrigation of these lands in the vicinity of Two Rivers would afford great relief to many persons who about three years ago contracted for water rights for some of these lands from the Snake River Irrigation Company, that commenced about that time the construction of a power canal and a power and pumping plant at Five-mile Rapids for the irrigation of a portion of these lands and that soon afterwards disposed of about $100,000 worth of water rights to many persons by various false and fraudulent representations as to financial ability, character, and capacity of works being undertaken, etc., as shown by the records of the superior court of Walla Walla County, Wash., and that soon afterwards failed and passed its assets, what little there were, together with its debts, to the Pasco Power and Water Company, which about two months ago as the recent financial flurry swept the country, went into the hands of a receiver with works uncompleted and with settlers, what few there are left, disheartened after waiting for water nearly three years upon practically a desert;

(21) Whereas the power canal and power and pumping plant above mentioned, if completed, would irrigate only a fractional part of these lands in the vicinity of Two Rivers and could not irrigate any of these lands in the vicinity of Pasco;

(22) Whereas a private irrigation company almost invariably possesses the only available means for the irrigation of the lands in the field of its operations and as a water-right monopoly charges exorbitant rates for water rights; and as private irrigation companies as a rule, although charging excessive rates for water rights, require in the sale thereof a payment down of about 25 per cent of the purchase price and the remainder in equal annual installments within from two to four years with interest, and thereby impose heavy burdens upon the purchasers during the first few years, when great expenditures must be made by them for the improvement of their lands and when there is but little realized therefrom, particularly if set out to orchards, which burdens too often result in forfeitures of contracts with such companies and in great loss and discouragements to purchasers striving to build up homes for those dependent upon them for support, while under irrigation projects by the Federal Government and under irrigation projects by the States under the Carey Act these burdens of payments on the cost of water rights are required to be met principally after the lands thereunder are brought to a state of production and income-bearing property, and while under irrigation projects by irrigation districts formed under State laws therefor these burdens are postponed entirely by the issuance of long-time bonds for the construction of the necessary irrigation works, excepting the payments of interest of these bonds, until the lands are producing and in a high state of improvement and development, when these burdens can easily be met; and as private irrigation companies often dispose of more water rights than the capacity of their works can satisfy, thereby causing much trouble among the water users in their efforts to produce their crops; and as private irrigation companies are sometimes used as instrumentalities to serve methods of high financing that would be instructive to even some of the experienced manipulators of Wall street;

(23) Whereas these lands in the vicinity of Two Rivers can be irrigated only by a power and pumping plant at Fivemile Rapids; and as this is also true respecting these lands in the vicinty of Pasco if concluded by the Government the Palouse irrigation project be not practicable;

(24) Whereas a gift to a private company by the Government of such a valuable franchise as the right to construct such a dam and possess the power created thereby would place the irrigation of these lands at the will of such company, for the power developed therefrom could, as far as the Government or the owners of these lands were concerned, be used for many purposes other than for irrigation, unless the Government would in its grant to such company impose as a condition thereof that the Government may direct the uses such power may be put to, so as to secure the most beneficial uses thereof;

(25) Whereas a private company possessed of such a water power, even though required to devote a sufficient amount thereof for the irrigation of these lands, would practically be a water-power monopoly in this section of the country, considering (1) that a dam across Snake River at Fivemile Rapids would, on account of the low grades of this stream, back the water for miles, and (2) that the occupancy of both banks of this river by railroads from Riparia to its mouth will prevent the construction of any dam near its mouth, excepting one at Fivemile Rapids, and (3) that, were it possible to develop a water power a good number of miles from this vicinity, such power would have to be transformed into electrical power, transmitted to this section, and then transformed back to mechanical power, all of which would be at a great expense; and as a monopoly of the water power of the section such company would probably charge excessive rates for water rights, in case it should go into the irrigation business, or excessive rates for power to irrigation districts or private companies as consumers of such power, unless the Government should in its grant reserve the right of control at all times of the rates that may be charged consumers of power or for water rights for these lands;

(26) Whereas these lands in the vicinity of Two Rivers could well afford, under an irrigation district, to bear, if necessary, the entire cost of such a dam, for and in consideration of a sufficient amount of power therefrom for their irrigation, in addition to the cost of the power and pumping plant and of the system of irrigation canals that would be necessary, even though in order to do so it would be necessary or desirable to take over by purchase or condemnation the works of the Pasco Power and Water Company at their value or at what has been expended thereon, considering (1) that the irrigation of these lands would give to them a value of from $3,000,000 to $4,000,000, without taking into consideration any value that may be imparted thereto by work or improvements thereon; (2) that by these lands bearing the entire cost thereof water rights for these lands would probably not cost more than $50 per acre, and (3) that if these lands be irrigated by a private company constructing such a dam and owning the water power thereby produced, these lands would probably be required to pay about $100 per acre, as the Pasco Power and Water Company valued water rights at that figure;

(27) Whereas these lands in the vicinity of Pasco could well afford, under an irrigation district, to bear, if necessary, the entire cost of such a dam for and in consideration of a sufficient amount of power therefrom for their irrigation in addition to the cost of the power and pumping plant and of the system of irrigation canals that would be necessary, considering (1) that the irrigation of these lands would give to them a value of from $3,375,000 to $4,500,000, without taking into consideration any value that may be imparted thereto by work or improvements thereon; (2) that by these lands bearing the entire cost thereof water rights for these lands would probably not cost more than $50 per acre; and (3) that if these lands be irrigated by a private company constructing such a dam and owning the power thereby created these lands would probably be required to pay about $100 per acre;

(28) Whereas these lands in the vicinity of Two Rivers, together with these lands in the vicinity of Pasco, could well afford, if necessary, to bear the entire cost of such a dam for and in consideration of a sufficient amount of power therefrom for their irrigation, in addition to the cost of necessary power and pumping plants and systems of irrigation canals, considering (1) that the irrigation thereof would give to them a combined value of from $6,375,000 to $8,500,000, without taking into consideration any value that may be imparted thereto by work or improvements thereon; (2) that by bearing together this entire cost water rights for these lands would probably cost not exceeding from $25 to $30 per acre; and (3) that if these lands be irrigated by a private company constructing such a dam and owning the water power thereby created these lands would be required to pay probably at least $100 per acre and possibly more;

(29) Whereas the Government could well afford to construct this dam with locks and develop the power thereby created as demands therefor arise and dispose of a sufficient amount of such power for the irrigation of these lands in the vicinity of Two Rivers, or these lands in the vicinity of Pasco, or both such lands, for and in consideration of the entire cost of such dam, if for not a less sum, and take bonds of such district or districts as may be formed in payment for such power, considering that the irrigation of these lands would require but a small portion of the power that would be produced by such a dam and that the remainder of such power would be worth several millions of dollars, and that with such remaining portion some of the great benefits above referred to could in time be obtained for the country, and that by such dam the navigation of Snake River would be greatly benefited;

(30) Whereas the policy of our country has always been to encourage agricultural development, foster manufacturing enterprise to convert raw material into finished products, improve navigation, and help to increase transportation facilities, and to prevent, control, or cure, where possible, trusts and monopolies: Now, therefore, be it

Resolved by the citizens in and about Two Rivers, Wash., in mass convention assembled: (1) That Congress be asked to provide that an inland waterways commission or other governmental agency shall make an investigation respecting the feasibility of the construction of a dam across Snake River at Fivemile Rapids as an incident toward the development of this national water highway, and respecting the importance and value of such a dam toward the improvement of this highway and toward the development of the resources of the country to add to its wealth and prosperity; and that Congress be asked to provide that such commission or agency, if it deems the construction of such dam is feasible, and if it considers the importance and value thereof as an incident toward the development of this highway will warrant its construction, shall (1) determine the exact location, character, and size this dam should have, and (2) prepare plans, specifications, and estimates therefor, and (3) determine the probable amount of horsepower that would be produced thereby, and (4) determine the importance of the water power it would produce toward encouraging agricultural development, toward fostering manufacturing enterprises, and toward increasing transportation facilities, and (5) determine what, if any, arrangements can be made with any irrigation district or districts for the purpose of securing the irrigation of the lands above referred to, or portions thereof, and (6) determine what, if any, arrangements can be made with persons or companies to secure some of the great benefits above mentioned, and (7) prepare plans, specifications, and estimates for the development of this water power, or for such portions thereof as may be needed from time to time.

(2) That Congress be asked to authorize and enable such commission or agency, if such commission or agency considers the construction of such a dam is feasible and warranted as aforesaid, to construct the same for and on behalf of the Government as an incident to the development of Snake River as a national water highway, of a form that will readily admit of the development of the water power that would thereby be produced, and to develop such water power or portions thereof from time to time as may in the judgment of such commission or agency be needed, and to dispose of by grant or lease such water power or portions thereof, or the power that may be developed therefrom, or portions thereof, under such rules and regulations that Congress or such commission or agency may adopt as will be calculated to improve navigation, and to secure the most beneficial use of such power, and to enable such commission or agency to regulate at all times the rates that may be charged by the Government's grantee or lessee to consumers of such power, and to enable such commission or agency, in cases where the Government's grantee or lessee, instead of selling power for irrigation purposes to irrigation districts or private irrigation companies, shall engage in the business of an irrigation company, to regulate at all times the rates that such grantee or lessee may charge water users for water rights for their lands; and that Congress be asked to authorize such commission or agency, in case of sale of power or water to any irrigation district or districts that may be formed under the laws of the State of Washington, to accept bonds of such district or districts in payment for such power or water, as doubtless a sufficient amount of such bonds could be obtained that the value thereof would construct such dam, and as the Government could soon dispose of the same probably, drawing 6 per cent interest as they would, and as, unless the Government would take such bonds in settlement for power or water for irrigation purposes, it may be that such irrigation district or districts could not dispose of its bonds in the money markets, considering the present financial stringency, and that in consequence these lands would have to be irrigated by private irrigation companies.

(3) That, in case Congress should not approve of the construction of such a dam by the Government, then Congress be asked to authorize such commission or agency, if in the opinion of such commission or agency the construction of such dam is advisable, to allow the Benton Water Company or any irrigation district or districts or any responsible company to construct such dam and develop the power thereby produced and possess and enjoy the same, on assurance given of financial ability to complete the same, but under such conditions, rules, and regulations that may be adopted by Congress or such commission or agency as will be calculated to improve navigation, secure the most beneficial use of the power produced by such a dam, and that will enable such commission or agency to regulate at all times the rates that may be charged to consumers of such power, together with rates that may be charged water users for water rights for irrigation purposes; and that Congress be asked, in case it should not approve of the construction of such dam by the Government, to provide that, in case it should authorize such commission or agency to allow others to construct such dam, such commission or agency shall give any irrigation district or districts the preference right to construct such dam for a reasonable period.

(4) That Senator Ankeny be hereby most respectfully and earnestly requested to cause a bill to be drafted and introduced in Congress that will embody the spirit of these resolutions, and secure if possible its enactments.

(5) That a copy of these resolutions be sent to the President, Vice-President, and to the Speaker of the House.

(6) That a copy of these resolutions be sent to each of our Representatives in Congress, and that they be hereby most respectfully and earnestly requested to secure if possible a law that will embody the spirit of these resolutions.

(7) That a copy of these resolutions be sent to each of the Representatives in Congress from the States of Oregon and Idaho.

(8) That a copy of these resolutions be sent to Senator Newlands of Nevada.

(9) That a copy of these resolutions be sent to Congressman Burton of Ohio, Chairman of the House Committee on Rivers and Harbors, and one to Congressman Reeder of Kansas, chairman of the House Committee on Irrigation.

(10) That a copy of these resolutions be sent to the Secretary of the Interior.

(11) That a copy of these resolutions be sent to Governor Mead.

(12) That a copy of these resolutions be sent to Dr. N. G. Blalock, and to Prof. W. D. Lyman, of Walla Walla, Wash., and one be sent to J. N. Teal, and one to the Open River Association, of Portland, Oreg., and one to Capt. W. P. Gray, of Pasco, Wash.

(13) That copies of these resolutions be sent to the various commercial bodies of the towns and cities of the inland empire.

(14) That a committee of three be appointed to confer with the Chamber of Commerce of Franklin County, Wash., and with the Pasco Commercial Club, as to the advisability of those bodies issuing a call for a convention of delegates from the various commercial bodies of the inland empire, and of prominent and representative men of the Northwest conversant with its resources and needs of development, to be held at Pasco at an early date, for the purpose of discussing matters dealt with in these resolutions.

Dated this 30th day of December, 1907, at Two Rivers, Wash.

E. M. WARNER, *Chairman.*

WM. CHANNELL, *Clerk.*

Mr. WILLIAMS. Mr. Speaker, I do not wish to add anything to what has been said in the resolutions. It seems to me the reasons given are quite weighty against the passage of the bill.

Mr. BURTON of Ohio. Mr. Speaker, I would like to ask the gentleman from Washington some questions.

The SPEAKER. Does the gentleman yield?

Mr. JONES of Washington. Certainly.

Mr. BURTON of Ohio. Is this company to which this franchise is granted incorporated under the general State law or under a special charter?

Mr. JONES of Washington. Under a general State law, as I understand it. We do not have special charters of incorporation; we have a general incorporation law.

Mr. BURTON of Ohio. Can the gentleman from Washington assure the House that full authority rests in the State of Washington to regulate the charges?

Mr. JONES of Washington. I am satisfied that is correct.

Mr. BURTON of Ohio. For how long a stretch or reach in the river would the water be utilized under this privilege?

Mr. JONES of Washington. I do not know just how far back the water would be dammed. I can not give the gentleman information in regard to that. I do not know how high the dam would be. As a matter of fact, I do not think the plans and specifications have been all prepared as yet. The people did not want to do that until they knew whether they would get permission. Then those plans and specifications would be submitted to the War Department under the general law for approval, so that I can not say just how far back the water would be dammed by this dam. That would depend upon the height of it, of course.

Mr. BURTON of Ohio. Are there not arid lands in the near locality?

Mr. JONES of Washington. Yes. The most important purpose of this bill is to reclaim lands.

Mr. BURTON of Ohio. Is there any reclamation in progress under the Federal Government in that locality?

Mr. JONES of Washington. There is not, and no immediate prospect of any.

Mr. BURTON of Ohio. Mr. Speaker, I do not feel like opposing this bill, but I question very much whether it ought to pass. I feel, however, like giving notice that in the future I shall object to unanimous consent for bills of this nature.

Mr. KENNEDY of Ohio and Mr. MANN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. JONES of Washington. Mr. Speaker, I yield to the gentleman from Ohio [Mr. KENNEDY], who reported the bill.

Mr. KENNEDY of Ohio. Mr. Speaker, I would like to make an inquiry of the gentleman from Washington [Mr. JONES] or from the minority leader, the gentleman from Mississippi [Mr. WILLIAMS]. I reported this bill to this House from the Committee on Interstate and Foreign Commerce, and I want to say that not the slightest intimation came to that committee of the things that have been laid before the House by the reading of these papers, and I can not understand why it was that the matter was not laid before that committee for its consideration before the bill was reported. I would like to know if either of these gentlemen can give me any information on that point.

Mr. JONES of Washington. Mr. Speaker, I desire to state to the gentleman and to this House that this protest was never submitted to me nor, so far as I know, to any member of our delegation, because none of them has ever presented it to me or said anything upon the subject to me. If these matters had come to my attention they would have been presented to the committee for its consideration before reporting. This bill passed at the last session of Congress through this House. It is a bill framed under the general law under which we pass bill after bill through this House, and it seems to me that the propositions even suggested in this protest are matters that must be regulated necessarily by the State itself, if Congress has not already reserved to itself such power under the general law relating to dams. I doubt if it is for the Federal Government to endeavor to determine what shall be charged for electricity which is developed in this way. The only purpose of the Federal Government, it seems to me, is to protect navigation, and that has been protected in this bill under the general law which the Interstate Commerce Committee has passed. I know the conditions near this place. There are thousands of acres of as good land as lies out of doors which we hope will be reclaimed under this bill. They have been there ever since the Snake River began running to the sea, and there has not been a drop of water placed upon them. This is the first company, apparently, that has ever proposed to place water on those lands. I consider if this bill is passed and this company does what this bill permits it to do, it will have done a great benefit to the people of this locality and of my State and to the people of this nation. There is no question but that our State will see that exorbitant charges are not made for this power and for the distribution of this water. The people of the State may be depended upon, in my judgment, to care for this matter properly, and we reserve the right in this bill to alter, amend, or repeal it at any time, and there is very likely the power under the general law by which Congress can make such regulations as may be necessary.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield to a question?

Mr. JONES of Washington. Certainly.

Mr. SLAYDEN. Mr. Speaker, I am so unfortunately placed in my seat that I can not hear much of the discussion that goes

on in the House, and I was not able to hear the earlier part of the discussion of this bill. I would like to ask the gentleman if it does not belong to that class of bills by which valuable privileges are given to private corporations by the Federal Government, and particularly to that class of bills the expediency and wisdom of which have been strongly questioned by the Department of the Interior.

Mr. JONES of Washington. Well, I do not know about that, but I do know that this bill is in line, as I said, with the many bills that have been passed respecting the various streams throughout the country for the development of power.

Mr. SLAYDEN. Exactly so. That is what I understand, and it has been protested that we, in ignorance of the true value of the concessions that have been made to these private corporations, have given away millions upon millions of value, growing in value, because of the rapid decrease in the coal supply of the country.

Mr. JONES of Washington. Well, I have not seen any protests from the Department in reference to that. I have seen suggestions made that have been made in this memorial here that has been read, that there is a great deal of power and many possibilities for the future by these permits. But this is simply a permit. We can amend, alter, or repeal the law at any time we see fit, and it seems to me, as I suggested a moment ago, that the matter of the regulation of rates and all that sort of thing is not a matter for the Federal Government with reference to local matters in the State, and that that is entirely a proposition for the State. I must say I would not want the Federal Government to come into my State and try to regulate the price of electricity developed and distributed entirely locally. I would urge the passage of no bill that I believed would injure this section of the State. No one would do more than I to accomplish the great results mentioned in the protests. There is no hope of the measures therein suggested being enacted at any reasonable time in the future. If there was we might hesitate to pass this bill. The reclamation of these lands will bring thousands of people to the State, will furnish homes for many families, will add much to the wealth of the State, and result in incalculable benefit. If it can be done under this bill, it should pass. If nothing is done under the bill, nothing will be lost. If the Government can be induced to take up this matter there is nothing in this bill to prevent it.

Mr. MANN. Will the gentleman yield to me for two or three minutes?

Mr. JONES of Washington. I will yield to the gentleman for five minutes.

Mr. MANN. Mr. Speaker, the bill that is before the House is to permit the construction of a dam under what is known as the "general dam act." It was not the opinion of the committee that reported that act, and I judge it was not the opinion of Congress that passed the act, that the Federal Government had nothing to do with the regulation of prices at which power might be sold, because in that act it is expressly provided that Congress may alter, repeal, or amend, without incurring any liability, the act at any time. And when this power is granted, if it be granted by the passage of this bill, it remains within the power of Congress at any time to fix the price at which this company may sell any power that it is able to produce by the use of the dam. In addition to that, any other objections which are offered by these protests are met by the original dam law. If the gentlemen who sent the protests out had ever had the opportunity to read that law the protests, I take it, would never have come here. The law expressly provides——

Mr. WILLIAMS. My attention was called to that; but this question involves the right of petition.

Mr. MANN. I said the "gentlemen who sent the protests here." I know the distinguished gentleman from Mississippi is familiar with the law, and I take it that is the reason he only presented this to the House and did not object to consideration. The law further provides that before the permit is to be granted these people must present to the Secretary of War and the Chief of Engineers their plans and specifications, which must be approved and which can not be deviated from without both the consent of the Secretary of War and Chief of Engineers. It further provides that these people may be required to maintain and operate at their own expense locks, sluices, and any other needful works for the purposes of navigation. It also provides that they may be required to donate to the United States land which the Government may desire to use in connection with navigation. By this bill we are not giving to these people the right to construct a dam and fix their own charges for all time, nor are we leaving it to the State of Washington to fix the charges. When we presented the bill, which became the general law, we thought, with the immense interests on the rivers, with the immense power that was being developed by dams in the form of electric power, that the Government of the United States granting the right, and that is all it could do—that is, grant the right—should reserve to itself the power to fix the compensation at any time when it chose to exercise it, believing that Congress could be trusted to do the right thing at the right time.

Mr. LITTLEFIELD. Suppose a State could exercise a control over these rates by virtue of its control over the corporations, and we exercise control by virtue of the fact that we control the power?

Mr. MANN. We exercise control by virtue of the fact that we control the right. When they accept the right with a provision given that we can change and alter the act, they accept it with the right to us to control the power. It is a common thing for us in passing these laws, as in the bridge bill, to grant to the Secretary of War the right to control the right of fixing tolls over bridges where tolls are charged, and that is in the general bridge act.

Mr. LITTLEFIELD. That is a different exercise of the right?

Mr. MANN. Absolutely.

Mr. JONES of Washington. Mr. Speaker, I ask the previous question on the passage of the bill.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The House divided; and there were—ayes 101, noes 94.

So the previous question was ordered.

The bill was ordered to be engrossed for a third reading; and being engrossed it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. EDWARDS of Georgia. Mr. Speaker, I call for a division.

The House divided; and there were—ayes 107, noes 92.

So the bill was passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE ON BANKING AND CURRENCY.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during the sessions of the House, and I also ask for such reprints as may be necessary of the bill H. R. 12677.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

EXTENDING TIME FOR ORGANIZATION OF MILITIA.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 14.

The Clerk read as follows:

Joint resolution (S. R. 14) extending the time allowed the organized militia of the several States and Territories and the District of Columbia to conform to the provisions of section 3 of the act approved January 21, 1903.

Resolved, etc., That the time allowed the organized militia of the several States and Territories and the District of Columbia in which to conform their organization, armament, and discipline to that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States by section 3 of the act approved January 21, 1903, be, and is hereby, extended to January 21, 1910.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to know what the bill is.

The SPEAKER. Does the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Illinois, and in explanation of the measure will say:

Under the act of January 21, 1903, popularly known as the Dick law, to reorganize the militia of the different States and Territories, it was provided that the militia of the different States and Territories and the District of Columbia should conform in organization, armament, and discipline to that prescribed for the Regular Army and volunteer forces of the United States within five years from that date in order to participate in the appropriations made by Congress for the militia. Last Congress increased the appropriation from $1,000,000 to $2,000,000, which is apportioned according to representation in Congress among the different States and Territories, based on their population. Now, the five years in which to conform expires on the 21st of this month, and only four States have conformed, according to the report of the Secretary of War. Unless this time is extended and this resolution is passed, the other States and Territories which have not conformed will be deprived of their quota of this $2,000,000 appropriation—the militia will lose that much. So you will readily see that there is urgency

for this measure. The State of New York, for instance, has not complied, and would lose $155,000.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. STEENERSON. Certainly.

Mr. MANN. The States have had five years in which to comply with the law. What is the reason offered for not complying with it?

Mr. STEENERSON. It is not absolutely correct to say that they have had five years.

Mr. MANN. The gentleman said that the law passed five years ago and that it will expire within a few days and that only four States had conformed.

Mr. STEENERSON. I will explain. It is necessary for the Secretary of War to promulgate rules and regulations, and those rules and regulations were first promulgated only about two years ago, and, as promulgated at that time, it was claimed by many experts in these matters that it was impossible to comply with those regulations prescribing the organization. Only on the 2d day of November last were the latest rules and regulations prescribed for the organization of the militia promulgated by the Secretary of War.

Mr. MANN. What the gentleman proposes, then, is simply to extend the law for two years later?

Mr. STEENERSON. Yes; it was impossible to comply as to the District of Columbia. They could not comply because it required an act of Congress to reorganize the militia, so that it was impossible for them to comply, because Congress had failed to act. Several States required legislation, and their legislatures only meet every two years. They have not yet had time to act, at least not since the last rules prescribed by the War Department were published.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading, read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. STEENERSON. Mr. Speaker, I also ask a reprint of certain documents in respect to this militia matter.

The SPEAKER. The gentleman asks unanimous consent for a reprint of the following documents, which the clerk will read.

The Clerk read as follows:

House Report No. 1094, Fifty-seventh Congress; public act 33, Fifty-seventh Congress, and House Document No. 607, Fifty-ninth Congress.

Mr. PAYNE. I think that ought to go to the Committee on Printing. These are documents of former Congresses.

The SPEAKER. Without objection, the reference will be made to the Committee on Printing. The gentleman will put his resolution in shape and it will go through the box.

REVISION OF CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11701, the penal codification bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal codification bill, with Mr. BANNON in the chair.

Mr. MOON of Pennsylvania. Mr. Chairman, in presenting to the House for its consideration the present bill from the Joint Committee on the Revision of the Laws, I am conscious of the fact that the subject is devoid of popular interest, and that the attention of the House can be held to it only from a sense of patriotic duty. This bill has in it nothing that can appeal to party policies or to partisan interests. It is devoid of the interest of appropriation bills which appeal to our patriotic pride and to our national importance; but, Mr. Chairman, devoid as it is of enthusiasm and lacking, as it does, all the essential elements and requisites of parliamentary inspiration, it does, in my judgment, appeal to the very highest sense of the patriotism of this deliberative body.

The object of this bill is to perfect the organic law of the land; to present the permanent laws of the United States in the most authentic and authoritative form, to the end that these permanent laws, these great fundamental legislative declarations, shall stand before the country in such clear, systematic, and conspicuous form that they may be known to all men; that these important statutes that are intended to safeguard and protect the life, liberty, and property of our citizens shall be extricated from the great confusion into which they have been allowed to fall by many years of inattention, and shall be written clearly and legibly on our statute books as forcible and conspicuous evidences of our national justice, national honor, and national advancement.

It requires, Mr. Chairman, but little thought upon this dry subject to arouse the student to enthusiasm. The history of the world establishes the fact that the richest legacy that the nations of the past have left to succeeding ages has been their principles of organic law. Do you ask me of the religion, of the morality, of the intelligence, of the chastity, or the purity of a nation of antiquity? I will point you for answer to the permanent laws of that nation as they exist upon its statute books of stone or papyrus and by that standard chiefly, if not alone, will the status of that nation, in all that goes to constitute individual or national honor be established.

From the historic standpoint, therefore, this technical, uninteresting subject of the revision of laws assumes a stupendous importance and takes upon itself an interesting aspect, and is entitled to appeal to us as an inspiration to relieve us from the tedium of the uninteresting details of its consummation.

Authentic history affords emphatic and convincing illustrations of the truth of this great principle—that the most valuable tribute of the nations of the past to our present twentieth century civilization comes to us in the form of permanent organic principles of law that have survived the destruction of time and the obliteration of states and of monuments. [Applause.] Apart from the scheme of divine salvation, which is our distinctive and peculiar inheritance from the early Hebrew nations, the great gift to the world of that grand historic people is the *Mosaic code* of laws. From that code this nation and all other civilized nations to-day derive the great basic principles of the moral law; the law regulating *marriage; consanguinity*, and the *sacredness of human* life. No nation to-day places upon its statute book the inhibition "Thou shalt not kill," that was written indelibly upon tables of stone by the hand of God amid the thunders and tempests of Mount Sinai. [Applause.] We regulate the punishment of the crime, but derive its existence from that historic ancient source.

The old Roman nation has passed away. Its palaces and its monuments are crumbled to dust, and even "its tombs are tenantless of their heroic dead," but the Roman nation lives to-day in every nation of the civilized world. The corner stone of our present legal structure is drawn from the fundamental organic principles derived from the *civil law*. Our knowledge of *partnership*, our law concerning *corporations*, our law concerning *wills*, the creation of *admiralty courts*, the creation of *courts of chancery*, nay, the very development of the *law merchant* itself, are derived from that historic source. These benefactions to humanity will survive when the conquests of her Cæsar, the eloquence of her Cicero, and the strains of her divine Horace shall have been forgotten.

Mr. Chairman, the same thing is true of the dark ages, that great period when the learning and religion of the world seemed to have been extinguished. Out of that void, out of the darkness that hovered over the mediæval world, has come to us as one of our fundamental priciples of national sovereignty, come to us directly from the feudal law, that great principle of *eminent domain*, which enables the public to take private property for public use, which declares the ultimate sovereignty of all property to be in the government itself.

And, Mr. Chairman, if the time should ever come when Macauley's fabled South Sea Islanders should sit upon the broken arches of London Bridge and mourn over the ruins of St. Paul, amid the wreck of these ruins triumphing over that universal desolation, burning as a beacon an inspiration and a guide for all great civilization to follow would rise the great fabric of the *common law* of England [applause], those indestructible principles of right, those great axioms of remedial justice between man and man, that effectual and eternal safeguard of human liberty, the right of *trial by jury*, that splendid contribution of that common law, to the regeneration and uplifting of mankind, that great legal evolution of the germ of human liberty of which the American Constitution is the highest culmination. [Applause.]

So, Mr. Chairman, while the written history of a nation may be sometimes apocryphal, its traditions involved in obscurity, the story of its heroes mere fiction—its written permanent, fundamental, and organic law is imperishable and definite and a tangible and absolutely reliable record of its intelligence, of its religion, of its ethics, and of its civilization. And as some physiologist from the vertebræ of an extinct mammoth can reconstruct the complete animal and tell its habits and its habitat; can reveal the geological period of the world in which it lived, so from the fragment of the laws of an extinct nation historians can reconstruct the civilization, character, habits, and

customs of that nation and rewrite with striking accuracy its forgotten history. [Applause.]

The scholarly world has recently been amazed and the historic character of a great period practically rewritten by the discoveries in 1901 of the permanent laws of Hammurabi, antedating the Christian Era by nearly two thousand three hundred years. In the light of these enactments and from the spirit and language of the statutes carved upon that famous stone has the history of Babylonish civilization been reincarnated. [Applause.]

In this light, therefore, Mr. Speaker, the philosophic statesman may regard the task before us as one of a high order. This elevated view may rescue it from the tiresome plodding of patient drudgery and place it upon the high and patriotic plane of a broad, sacred, and inspiring duty.

Now, Mr. Chairman, with these few words of introduction, I propose to call your attention particularly to the bill itself as briefly as possible. I shall not weary this House with minute detail respecting the history of this legislation. You have heard time after time of the appointment in 1897 of a Commission for the revision of the laws. You all understand that originally submitted to that commission was the power to revise and codify the criminal laws of the United States. You know that in 1899 a bill having been introduced in the Senate looking to the perfection of the judicial title, on motion of Senator Hoar was referred to this commission with enlarged powers respecting that department of the law. And how, in 1901, when the public generally had become aroused to the confused and unintelligible condition of the general statutes of the country, the duties of that commission were further enlarged by Congress, and it was required to codify and revise all of the permanent laws of the United States.

Reports were made by this commission from time to time to Congress, and in 1901 the Revision Commission presented its report of the penal code. It was submitted by the Speaker to the then Committee on the Revision of the Laws and a report was made by the committee, but no consideration was obtained in the House. Finally, in June, 1906, this commission, which had been in existence for upward of ten years, was required to make its final report on or before December 15, 1906. On December 15 that final report of the commission was made, and it is before me. A copy of it was given to Members of Congress, and you have it as a public document. You will remember that it is in two volumes, comprising about nineteen hundred pages and containing something over nine thousand sections of law.

This report was submitted by the Speaker to the Committee on the Revision of the Laws. Permit me to say, going back a moment, that before the time of the final report of the commission, the partial report upon the penal code had been submitted by the Speaker to the Committee on the Revision of the Laws. The Committee on the Revision of the Laws of the Fifty-ninth Congress took up that report and reported a bill upon it, but that bill did not obtain consideration of Congress. Recognizing that this was a matter of great importance and likely to occupy a great deal of the time of both the House and the Senate, and also recognizing that if we were to pass the bill through the House and then send it to the Senate and have it by that body referred to its Committee upon the Revision of the Laws and reported back to the Senate, different views might prevail among the different membership of the two committees and that the legislation would probably never be accomplished; recognizing this fact, I say, a resolution was introduced by me asking for the appointment of a joint committee consisting of five members of the Senate and five members of the House for the consideration of this bill. A committee of that kind was appointed in the Fifty-ninth Congress, and the bill relating to the Criminal Code was carefully considered and was reported back to this House, but no action was taken upon it. At the close of the Fifty-ninth Congress by another resolution introduced by me, a joint committee of five Senators and five Members from the Sixtieth Congress was appointed and that committee sat during the recess of Congress and resumed consideration of the bill embodying the Criminal Code; and it is the unanimous report of that joint committee that is before the House at this time, recommending the bill before us for consideration. [Applause.]

Mr. Speaker, this brief review will show without further discussion on my part the recognized necessity by the country at large for legislation upon this subject, and in order to demonstrate the fact that that insistent demand from the public at large and from Congress was not without serious basis of reason allow me now to call attention briefly to the present condition of the statute laws of the United States. You are all familiar with the fact that the Federal statutes today, as we understand them, as you have access to them, are found embodied in what is known as the *Revised Statutes*, second edition, 1878, *first supplement, second supplement*, and three separate volumes of the *Statutes at Large*, numbers 32, 33 and 34.

In explaining the contents of the volume known as the second edition of the Revised Statutes of 1878 I would state the fact that that revision was the first revision ever made of the Federal laws, and that none has been attempted since that time until the presentation of this bill.

It is an accurate statement and one entitled to great consideration to say that there have been more laws of a general and permanent character passed by the Federal Congress since 1873 than had been passed from the formation of the Government down to that time. The committee of 1873 was preceded by a revision commission just as this committee was, but when the work of the revision came before that committee, and they felt the necessity of attempting to get the whole work through in one Congress, they adopted the principle of making no change whatever in existing law. They submitted the bill to the House upon the authoritative statement by the chairman of the committee and the members of the committee, that it was simply a revision and codification, that it simply consisted in posting the existing laws of the United States and putting under each title the laws with reference to that title, and that it contained no new legislation whatever. In that way, night sessions being held for that purpose, after a little discussion, accepting the representations of the committee, Congress permitted that revision to go through with practically very little consideration. I mean that a reference to the proceedings of that Congress will show that a great deal of the bill was not read, that many sections were passed by titles. The method of proceeding was in some instances at least that the title would be announced and inquiry would be made of the chairman of the committee if there was any new law in this title and upon the statement of the chairman of the committee that there was none, or if there were a few changes explaining those changes, that whole title would be passed as a title. The result of that was—and that is what I want to speak of in explaining this second edition of 1878—that this hasty legislation revealed, when it was finished, a great number of errors. The succeeding session of Congress by one bill corrected over 200 of those errors, and then appointed Mr. George C. Boutwell, of Massachusetts, a special commissioner to revise the revision and also to carry into it the legislation of the Forty-third and the Forty-fourth Congresses. Therefore your revised statutes of 1878 is a revision of a revision, a revision of the Revised Statutes of 1873. I doubt if anywhere outside of a public library can be found to-day the old revision of 1873, and what I particularly desire to call attention to is that this volume with which we are all so familiar and which we regard as the storehouse and treasury of our permanent Federal laws—this volume of *The Revised Statutes, second edition, 1878*, contains three distinct kinds of law, of different authenticity and evidential value. You will find this upon examination—and I presume those of you who are lawyers have frequent occasion to examine it—the main text of the book is the revision of 1873. You will find that the errors, corrected by the act of Congress of the Forty-third Congress, are included in brackets in italics. You will find that the new legislation of the Forty-third and the Forty-fourth Congresses is carried in and included in brackets in roman type. Now, if I have succeeded in making myself clear to you, the book itself contains three distinct kinds of law. The original publication, the main body of the book, is an original enactment. It is the revision of 1873. It was passed by Congress, signed by the President, and is a law that proves itself. No reference can be had to anything behind it to explain it. That portion which is included in brackets in italics and that portion that is included in brackets in roman is by the act of March 9, 1878, providing for its publication to be taken to be prima facie evidence only of the laws therein contained, but by the provisions of that law the inclusion of the laws in this volume shall not preclude reference to or control in case of any discrepancy the effect of any original act of Congress passed since the 1st day of December, 1873

Therefore, as a first step in the demonstration of the confusion and of the uncertainty in which the condition of the laws of the United States are, I repeat that the volume known as the Revised Statutes of 1878 contain three distinct kinds of law of different evidential value.

The other books containing our so-called revised statutes are, first: *The first supplement of the Revised Statutes*—this is not a revision at all. By its very preface it disclaims to be anything of the kind. It embraces the legislation of a general and permanent nature, enacted at each session of Congress subsequent to the first day of the Congress of 1873 (and thereby

duplicates the legislation of 1873 and 1874) down to and including the legislation of the Fifty-first Congress in 1891. As indicated in the preface of this volume it is neither a revision nor a consolidation. It is a reproduction of the laws enacted since the passage of the Revised Statutes, which are neither obsolete, local, temporary, or expired, special, substituted, or repealed. That is what our supplement No. 1 is.

Second. *Our supplement No. 2* does not have even that much of editing. That is simply a binding together of the various volumes published at the end of each Congress under the provisions of the act of Congress of June 4, 1897. It embraces nine separate parts of these pamphlet editions, which are published at the close of each Congress. These supplements are simply bound together and made into a volume, with a consolidated index of the whole, and the provisions of the statute providing for the publication of these unedited editions comprising this second supplement is as follows:

The publications herein authorized shall be taken to be prima facie evidence of the laws therein contained, but shall not change or alter any existing law nor preclude reference to nor control, in case of any discrepancy, the effect of any original act passed by Congress.

That brings our legislation down only to 1901. In addition to the volumes already referred to, we have *volumes 32, 33, and 34 of the Statutes at Large*, containing the laws of the Fifty-seventh, Fifty-eighth, and Fifty-ninth Congresses, unedited, and confused with all the provisional and temporary enactments of these three Congresses.

Therefore, gentlemen, this brief and hasty review of the present condition of the statute laws of the United States will, I think, justify the statement of the committee that probably the permanent laws of no other civilized country can be found in such confused condition, and that to anybody but the student, or the lawyer, or the judges, a man expert in finding the law, it is almost impossible, without a careful and extended research, to tell what the law of the United States is upon any particular subject because to find the authentic law it is necessary to examine the *Revised Statutes of 1878* and 17 volumes of the *Statutes at Large*, each containing an average of 500 pages, or, in other words the original enactments of every Congress since 1873. This confusion arises in great part from the unphilosophical and unsystematic methods of our legislation and from the constant custom of Congress in embracing in appropriation bills important provisions of permanent laws. A few of many interesting illustrations of this confusion and this irregular legislation may be found in this statement. That important amendment to the Federal law entitling a party in interest to testify in his own behalf, a law that revolutionized the administration of justice, is found as an almost indistinguishable section of an appropriation bill; the law by which we exercise our supervision over the Republic of Cuba is embodied in a fortification bill; the law prohibiting the sale of intoxicating liquors in the Capitol is found as a remote and disconnected part of an immigration bill. All these important acts are so closely intermingled with the general provisions of these bills that neither the title nor the context give any indication of their existence. The present revision when completed will be an original enactment, will repeal all existing statutes, will present the entire Federal legal system in a scientific order in two volumes of ordinary legal dimensions, and the laws therein contained will prove themselves without reference to any other acts of Congress. The mere statement of these facts, Mr. Chairman, without further argument or comment, explains fully the necessity for this revision and is ample justification for the action of our committee in pressing the work upon Congress at this time.

It may be a matter of interest to the House, and they have a right to inquire of this committee why we have presented for your consideration *the penal code first*. Why have we taken it out of its regular order in the report of the commission, in which I believe it is the last chapter, and presented it to the consideration of the House in our first bill? In answer to that, Mr. Chairman, I would say that we recognize the absolute impossibility of attempting to secure legislation upon the whole report of the Commission, upon the nine thousand sections of law, in one bill, or even at one session of Congress. In the second place, we felt that the criminal title was a separate, independent, and distinct thing of itself, capable of almost entire separation from the main body of the law, and that it was of the utmost importance that these laws that protect our life, liberty, and our property, to which all the citizens of this Union are subjected, should exist cleary upon our statute books, so that all who are bound by their provisions might have easy reference thereto. And third, and perhaps the controlling consideration, was that Congress itself had indicated the order of the importance of this work. It had by the act of 1897 first committed to the Commission the penal code. The work, therefore, was first referred to your committee, and we had acted upon it before the final report of the Commission was made, and on this account and for the reasons before stated we felt it was the logical and proper order to present to Congress our report upon the criminal section first.

Having established the order of legislation, we come logically to the consideration of the criminal laws of the United States as a system, and I want to say to you that one of the most interesting chapters of the history of the United States is the history of her criminal law. A careful study of it, which I have not time, of course, to allude to to-day, will show one interesting phase of the progress and development of this country and of the expansion and development of that novel principle in the history of the nation of the distinction between State and national sovereignty.

The first Crimes Act was passed at the second session of the First Congress and became a law on April 30, 1790. It was signed by George Washington and contained 33 sections. That Crimes Act was molded largely upon the Crimes Act of Great Britain. It provided for offenses against neutrality, for offenses upon the high seas, for offenses against the coinage and the general instrumentalities of the Government. It was passed and left in that brief form under the full belief of Congress, of the leading lawyers of the country, and of the Justices of the Supreme Court of the United States, that the United States Government possessed a common law jurisdiction. It was passed with the full belief that Congress, having committed to the circuit court of the United States the punishment of all offenses against the Government, that wherever an offense was not denounced by Congress, but was an evil against good society and good government, that independent of any statute, an indictment might be drawn and a man might be tried, convicted, and sentenced for an infraction of the rules of good government under the common law to exactly the same extent as such a crime could be punished by the several States.

This belief prevailed very generally down to about 1812. In 1806, you remember, the Connecticut Courant had published a story that President Jefferson and the Congress of the United States had taken a bribe of $2,000,000 from Bonaparte to permit a treaty with Spain. They were indicted for criminal libel in the Federal courts of the United States; and then, for the first time, the Supreme Court authoritatively announced, by Justice Johnson, after careful consideration and exhaustive argument of the subject upon first principles, that the United States had no common-law jurisdiction; that no act was an offense against the United States until it had been so denounced by Congress. and a punishment fixed for the offense, and until a court had been assigned to try it. The overthrow of the common-law theory was never entirely acquiesced in by Judge Story, and by letters and other communications he announced his firm conviction that the United States, by virtue of its composition and by the provisions of the judicial act of 1789, did have this common-law jurisdiction; and he tried to have an act passed by Congress to the effect that whenever any offense not denounced by the Federal law was an offense at common law that it should be punishable by indictment and fine and imprisonment.

The United States, by virtue of the decision in the Courant case, was left almost entirely without criminal laws for its protection except upon the high seas, and for the offense of treason and offenses against the coinage; and it is a matter of interest to me, and I think will be a matter of more than passing interest to Members of Congress, if I read to you extracts from letters of Judge Story upon this subject, written at the time he was urging the necessity for the enactment of a more complete criminal code.

STORY LETTERS.

On the 27th of May, 1813, he wrote his friend Nathaniel Williams, then a Member of Congress, as follows:

I sent Mr. Pinckney a few days since some sketches of improvements in the criminal code of the United States. It is grossly and barbarously defective. The courts are crippled; offenders, conspirators, and traitors are enabled to carry on their purposes almost without check. It is truly melancholy that Congress will exhaust themselves so much in mere political discussions and remain so unjustifiably negligent of the great concerns of the public. They seem to have forgotten that such a thing as an internal police organization is necessary to protect the Government and execute the laws. I believe in my conscience many Members imagine that the laws will execute themselves.

On the 3d of August following he again wrote Mr. Williams:

I am wearied with perpetual complainings to you and to the Government as to the deficiencies of our criminal code. A disgraceful affair has happened in Boston of the rescue of a prize by the owners. I should not be at all surprised that the actors should escape without animadversion, owing to defects in our criminal laws. Nor should I be astonished that in all cases of American vessels seized, trading with the enemy, forcible rescues should be attempted hereafter even against our national ships. What Congress mean by their gross and mischievous indifference to the state of the criminal code, I know not. In my opinion, the Government will be completely prostrated unless they give jurisdiction to their courts and a common-law authority to

punish crimes against the United States. One would suppose that Congress believed the millennium was at hand, and that laws would execute themselves. I wish, with all my soul, that they would attend a little less to mere popular topics calculated to secure their elections and a little more to the real permanent interests and security of the Government. What think you of a Government where public crimes on the high seas are, with very few exceptions, left wholly unpunished, and crimes on the land are suffered to remain without the least criminal action?

A few years after writing these letters Justice Story drafted a bill entitled "A bill further to extend the judicial system of the United States," in which he provided that the Federal courts should have jurisdiction to punish crimes against the Government. Commenting on this provision of the bill, in a letter to Mr. Pinckney, he says:

The criminal code of the United States is singularly defective and inefficient. Few, very few, of the practical crimes (if I may so say) are now punishable by statutes, and if the courts have no general common-law jurisdiction (which is a vexed question) they are wholly dispunishable. The State courts have no jurisdiction of crimes committed on the high seas or in places ceded to the United States. Rapes, arsons, batteries, and a host of other crimes may in these places be now committed with impunity. Surely in naval yards, arsenals, forts, and dry docks, and on the high seas, a common-law jurisdiction is indispensable. Suppose a conspiracy to commit treason in any of these places, by civil persons, how can the crime be punished? These are cases where the United States have an exclusive local jurisdiction. And can it be less fit that the Government should have power to protect itself in all other places where it exercises a legitimate authority? That Congress have power to provide for all crimes against the United States is incontestable.

The letter continues:

The printed bill was originally prepared by myself and submitted to my brethren of the Supreme Court. It received a revision from several of them, particularly Judges Marshall and Washington, and was wholly approved by them, and, indeed, except as to a single section, by all the other judges. Judge Johnson expressed some doubt as to the eleventh section; but, as I understood him, rather as to its expediency than the competency of Congress to enact it. I think that I am at liberty to say that it will be satisfactory to the court if it is passed. It will, indeed, give us more business, and we have now as much as we wish. But it will subserve great public interests, and we ought not to decline anything which the Constitution contemplates and the public policy requires.

May I add that if I shall be so fortunate as to meet your opinions on this subject, and the public so fortunate as to interest your zeal and talents in the passage of the bill, it will establish an epoch in our judicial history which will be proudly appealed to by all who in truth and sincerity love the Constitution of the United States. It will be a monument of fame to the statesman who shall achieve it, which, being independent of the political opinions of the day, will brighten as it rises amid the dust and the ruins of the future ages.

The bill seems never to have passed Congress, but in 1818 a special bill was prepared by Justice Story relating to the punishment of crimes, which was made the basis for the crimes act of 1825, and in reference to which he wrote Mr. Webster on the 4th of January, 1824, as follows:

You are aware that the criminal code of the United States is shockingly defective. I see that the subject is before you. I have a copy of Mr. Daggett's bill in 1818, which was pretty accurate (as I have some reminiscences), and if you can not find a copy of it I will send you mine. I should prefer a code in the form of articles, and will assist in drawing it if it is necessary.

Thus time after time during 1813 and 1814 and down to 1816 in a series of letters of this character written by Judge Story he pointed out the absolute inefficiency of the criminal laws, the helpless condition of the courts, and the fact that Congress took no steps whatever to remedy them.

Finally, in 1825, the Crimes Act, drawn by Judge Story and introduced by Daniel Webster, was passed by the House and Senate. The bill as originally prepared by Judge Story contained seventy sections of new law. It passed the Senate in that form. It came to the House, and the House cut it down to twenty-six sections, and in that way it passed; and as twenty-six additional sections it went into the statute book as the Crimes Act of 1825. Now, that act of 1825 provided for very few new offenses, being chiefly an enlargement of existing laws respecting offenses upon the high seas and other subjects upon which Congress had already legislated. It seemed to be the policy of the Government at that time to avoid the assumption of its criminal responsibility, although its jurisdiction to punish offenses was exclusive in a territory of constantly increasing area, including forts, arsenals, magazines, docks, navy-yards, military reservations, etc.

Realizing the utter inadequacy of existing criminal provisions and rejecting Judge Story's recommendation for the enactment of a common law section, Congress resorted to the device of the following provision, which appears as section 3 of the Act of March 3, 1825, to wit:

If any offense is committed in any place ceded to or under the jurisdiction of the United States, the punishment of which is not provided by any law of the United States, it shall receive the punishment prescribed by the laws of the State in which the place is situated for like offenses.

There seems to have been an idea at that time that the effect of that law was to put in force the laws of the State, that it was to enable the Federal courts to enforce the State law. That theory was very soon overthrown, when the Supreme Court of the United States said, "No, the effect of that law is simply this, that by this omnibus section, by a stroke of the pen, you have written into the Federal statutes all the laws of all the States of the Union upon subjects upon which you have not legislated, and you have adopted, therefore, laws which you can not originate, which you can not amend, which you can not control, but which you make the laws of the United States."

The imperfection of that device was very soon discovered. It was not long before a case was called to the attention of the Supreme Court in which an attempt was made to enforce a law of a State passed after the 3d of March, 1825. The State in that particular instance had repealed the law in existence at that time, and had passed another law. The Supreme Court said "No, that section means that you can enforce just the laws that were in existence in the State on the 3d day of March, 1825. It is monstrous to suppose that you can permit a State to enact laws for the Federal Government. They are different sovereignties, and if the State since that time has repealed the law and passed a new law, you are without the protection of that new law."

Then another interesting question arose: Was it within the power of the Federal courts to enforce a State law after the law had been repealed? That is perhaps an open question to-day, but shortly after that the act of March 3, 1825, was amended in such a way as to include any law of the State that was in existence in March, 1825, whether the State had repealed the law or not. A few years later another very serious defect was found in this provision. The Supreme Court of the United States said, "It applies only to territory that was in the possession of the United States on March 3, 1825. The cession of territory to the United States under the provisions of the Constitution can not bring into existence laws that may have been dead forty years;" and in a very learned opinion the courts limited the operation of that section entirely to territory possessed by the United States in 1825. Again the patchwork legislation began, and a new section, known as section 5391, was enacted, which included both territory ceded at the time of the passage of the act and territory subsequently acquired, and also included a provision that the Federal Government should have the right to enforce the law, even though the State had repealed it.

I will not stop to speak of the undesirable conditions of that legislation, where the United States is obliged to enforce a law that a State has discarded and abandoned, but I will pass to another defect that was found to exist in that law. Subsequently it was held that even under section 5391, this law did not apply to any territory that had been obtained since 1825 except by cession, and it was discovered that a great deal of property, for military reservations, for arsenals, post-offices, custom-houses, quarantine stations, and court-houses had been acquired by reservation; that the United States, owning the land, existing in territorial form, would reserve a portion of it for Federal purposes, and then admit the State to the Union. The Supreme Court said, "Your act does not cover that class of cases. It is specific. It relates to territory subsequently acquired by cession. It relates to the laws of the United States that were in force at the time you passed it, to lands ceded to the United States by the legislature of a State in accordance with the provisions of the Constitution, but it does not relate to territory that has been subsequently acquired in any other way." Therefore in 1898, as a provision in a fortification bill, an attempt was made to remedy that defect. But in remedying that defect, doubtless by an omission of the man who drew the law, one of the vital provisions of section 5391 was omitted. The words "or subsequently acquired" were left out. Consequently it stands as a legal fact to-day that on all territory acquired by the United States of America since 1898 for the erection of forts, arsenals, magazines, docks, and other needed buildings—which term "other needed buildings" has been held to include court-houses, custom-houses, post-offices, and the numberless instrumentalities of the Government—we have no power of enforcing that provision incorporating the laws of the State into our own laws, and that there are great common-law crimes—for instance the crime of robbery, the crime of assault with a deadly weapon—that can not be punished at all upon property of that kind. They can not be punished of course except in the Federal courts, because the jurisdiction of the Federal courts is exclusive. They can not be punished in the Federal courts because we have no law denouncing these offenses as crimes except when committed on the high seas.

Now, Mr. Chairman, it was this defect in our law that led the Commission to believe that it was the intention of Congress, in committing to them the revision of the Penal Code, that they should abandon the old system of penology in force in the United States.

They said, in effect, no State has the same system now that it had thirty years ago at the time of our last revision, and Congress intended by the creation of a commission to construct an entirely new criminal code. Indeed, they did not think enough of the Federal statutes respecting crimes even to make them the basis of their work. They did not even codify them; they ignored them entirely. They constructed an entirely new code and presented to Congress in their original report a penal system in advance of or equal at least to the most advanced penal system in the world. They took the models of all the best States and went even to the Anglo-Indian code and embodied many provisions existing there, and you will find in the original report of the Commission—not the report you have, because they modified it, but the original report of the Commission you will find embraces in the criminal title alone 174 new sections—and bear in mind that when they began the work the number of sections belonging distinctly to the criminal title were 229, and this Commission recommended in the criminal title alone a bill embracing 400 sections.

Our committee carefully considered the claims upon which the Commission based its right to act. They claimed that the language of the resolution creating it itself was broad enough to authorize its action. Without disputing that, our committee realized that that kind of legislation would never be recognized by this Congress. We recognize that if we attempt under the guise of the revision or codification to amend materially the substance of the laws of the country to present new subjects of criminal legislation; if we attempted to absorb within our committee the functions of all the other committees of the House, to say the least, it would establish a dangerous precedent and would meet with sturdy opposition. If we could do it in one respect we could do it in another; when we come to the revision of other titles we might bring in a bill for a merchant marine or we might revise the tariff or we might overthrow the meat-inspection law. We decided that Congress never intended to commit that power to the Commission and would not recognize it in the committee and that we could not act upon that theory. Therefore, our committee began at the bottom, began to build on exising law, and began to prepare a complete codification of these laws as a basis, and then we proceeded along the lines outlined by what we conceived to be the purpose of the act of Congress creating the Commission of Revision.

That is, we have brought together all statutes or parts of statutes relating to the same subject. We have omitted redundant and obsolete enactments. We have made such alterations as seemed necessary to reconcile contradictions, supply omissions, and amend the imperfections of the original text, and we have proposed and embodied in the revision such changes in the substance of existing law as in our judgment we thought necessary and advisable.

In the performance of this work we have presented our bill in such a manner as to call the attention of Congress, without any independent research, to just exactly what the committee proposes, and I call the attention of Members specifically to the bill and to the report, both of which are before you. Accompanying the report, as a supplement thereto, is a duplicate copy of the bill with a revision and codification of the existing statutes on the opposite side. That is, perhaps, the only codification of the existing laws of the United States. That was done by the committee. You will find every provision of new law recommended appearing both in the bill and in this supplemental report in italics. And you will find that whenever different sections of law have been consolidated and therefore rewritten, that is where there has been legislation at various times on the same subject, and we have comprised in one section what has heretofore been in three or four sections, or where we have omitted anything in the consolidation—omitted provisions of existing law—that in each of these cases we have called attention to the change by placing the proposed section in brackets.

Therefore, by a mere visual inspection of the report before you, you will have your attention first attracted to the fact as to whether there is any change proposed in the section; secondly, if there is any change, and if the change consists in proposed new law, you have it in italics; third, if it is a consolidation of sections, if it is an elision or omission of anything, you have it in brackets, and on the opposite page of the report is the law as it stands to-day; so that a minute's inspection will show you just the nature and character of the changes proposed and the recommendations we have submitted to you, and this brief examination will enable you to consider our recommendations intelligently.

So much for the general nature of the bill and the report.

The principal changes proposed by your committee in the existing provisions of the criminal code are comprised in certain general provisions relating to the whole title, to which I desire briefly to call attention. These are five in number. For instance, in the line of uniformity we have begun every statute with the word "whoever." That change we have not referred to in the report except by reference to it on the first page of the bill. The existing law is entirely irregular and without uniformity. Sometimes the beginning of a section is "any person who," sometimes it is "every person who," and sometimes it is "whoever." Now, we have adopted the uniform system of opening every section with the word "whoever," which I think will require no argument to support.

In the second place, we have made one fundamental distinction to which I desire to call attention, and I desire to call the careful attention of every Member, and particularly every lawyer, in this House to it. It is a general provision that pervades this law and has reference to every section in it, and is therefore not indicated by either italics or brackets, and that is this: We have omitted the designation of offenses in the sections as either *felonies* or *misdemeanors*, in other words have abolished the existing arbitrary distinction between felonies and misdemeanors.

You will find nowhere in the section itself any designation of the offense other than its description and its punishment, and you will find that we have made a general provision which provides that every offense that is punishable by death or by an imprisonment to exceed one year shall be deemed a *felony* and that all other offenses shall be deemed *misdemeanors*. Now, I do not propose at this time to argue that very extensively. The question may arise upon objection to some of the sections early in the consideration of the bill, and if it becomes necessary I will then present a full legal argument upon the subject. I only want to state the fact that felony has lost its significance absolutely in our laws; indeed, it never had any significance under the American Constitution, never stood for anything except a designation of an infamous offense. In its origin, and in its common-law application it meant, of course, either punishment by death or such punishment as was accompanied with forfeiture of a man's goods. The very word itself, "felony," derived from the feudal law, means a loss of the fee. All the common law respecting forfeiture, of course, was abolished by our Constitution, and it has existed only because we incorporated it by following the laws of England and because it was customary by our legal draftsmen to designate offenses as high misdemeanors in preparing statutes or as misdemeanors, or as felonies simply because they had always been so designated. It has no significance at all to-day except this, that under our law of criminal procedure the man who is indicted for a felony is entitled to a certain number of challenges, and the man who is indicted for a misdemeanor is entitled to a certain less number of challenges. I want to say that the custom in our law as it is to-day is not all uniform. Possibly one-half of the new statutes that have been passed in the last twenty-five years do not designate the offense either as a felony or as a misdemeanor. Some of them do. It seems to depend entirely upon the mood of the man who draws the statute or the model that he has adopted, or the form which has been prescribed.

Therefore, to-day, whenever a judge is to try an offense of the kind which is not designated in the statute either as a felony or a misdemeanor, he is obliged to have a preliminary trial of the case to decide how many challenges the man indicted is entitled to. In case after case the judge has been obliged to suspend the operation of the business and write a learned opinion by going back to find out whether the offense denounced in that act was a felony at the common law or a misdemeanor, and judges have deprecated time after time the carelessness of Congress in that kind of legislation. I may say that thirty-six States and the Territories—indeed, every State in the Union, I think, that has a modern code of penal laws—has abolished the distinction and adopted the classification that we have adopted. By the adoption of this general classification we believe we have emancipated our statutes from many glaring inconsistencies, relieved the trial judge of much embarrassment, and brought our system in line with advanced penal legislation of other countries.

In the third place, we have stricken out of the punishment of offenses *hard labor* as a distinctive part of the sentence. You will find in no section of this law a provision for hard labor. You will find in some existing sections of law that provision. In that respect our recent legislation has not been uniform. Many of the criminal laws that we have recently passed do not impose hard labor; occasionally some of them do. Now, the reason for its abolition is this, and it seems to me that the mere statement of it is controlling. The courts have held that wherever a prisoner is sentenced to a prison where hard labor

is a part of the prison discipline he is subjected to it as a part of the discipline and not as a part of the sentence. All the Federal prisons have hard labor as a part of the discipline. All of you know that the United States has not enough prisons for its prisoners, and under a provision of the law we are employing a great many State prisons, with the permission of the authorities of the State, for the incarceration of Federal prisoners. Some of those prisons have hard labor as a part of their discipline and some do not, and great difficulties are experienced by the judges in fixing sentences. It has been authoritatively decided by the Supreme Court that when hard labor is by law a distinctive part of the sentence the prisoner is entitled to it, and if the court does not give it to him he can be discharged on a writ of habeas corpus. Now, the judges have said, "Why not give us more flexibility? Whenever hard labor needs to be imposed we will send a man to a prison where hard labor is a part of the prison discipline, and we shall not be embarrassed with the provisions of hard labor in a sentence which must be imposed and which must be suffered, when we are so situated respecting prisons as to have nowhere to send him to receive it." I can cite you to a case where a man had been sentenced to hard labor, had been sent to a State prison that did not impose it, and where he came before the court on a writ of habeas corpus and asked to be discharged because his sentence was not enforced according to law.

Now, therefore, for this reason, which seems to me to be conclusive without further argument, we have stricken out hard labor and left it to the discretion of the judge wholly in adapting it to the prison to which he sends him. Originally, hard labor had some significance. It used to be regarded a substantive part of an infamous crime. The earlier cases and the English cases made the degradation of hard labor an essential ingredient of the infamous crime, which we have incorporated in our Constitution from the English law; but for twenty years our courts have uniformly decided that a sentence in a State prison, in a penitentiary, is an infamy, and that an offense under the Constitution is an infamous offense if it is a sentence for more than a year, without any regard to the provision of hard labor.

In the fourth place, the committee has adopted a uniform method of fixing in all offenses not punishable by death the maximum punishment only, leaving the minimum to the discretion of the trial judge.

The criminal law necessarily subjects to its corrective discipline all who violate its provisions. The weak and the vicious, the first offender and the atrocious criminal, the mere technical transgressor and the expert in crime, are alike guilty of the same nominal offense. In the one case the utmost severity of punishment can scarcely provide the protection to which society is entitled; in the other anything, except the most nominal punishment, may effectually prevent the reclamation of the offender, the latter of which, in the advanced spirit of modern penology, is equally important with the former.

The only justifiable argument against leaving the minimum punishments to the discretion of the trial judge is to prevent parties convicted of crime of a henious character from obtaining immunity because of the weakness or dishonesty of judges. It has been well said by a distinguished authority upon this subject that—

> Instances of the former are rare, and of the latter none is believed by us ever to have existed. The purity of our judiciary is one of the things which calumny has as yet left untouched.

This recommendation will be found to be in accordance with the humane spirit of advanced criminal jurisprudence. The early English statutes were proverbially cruel and bloody; the gravest crimes and the most trivial offenses alike invoked the penalty of death. Our own crimes act of 1790 reflected this barbarous spirit and denounced the death penalty for thirteen distinct offenses; but this spirit of vindictive retribution has entirely disappeared. We have abolished the punishment of death in all except three cases—treason, murder, and rape; and have provided that even in these cases in every instance it may be modified by the court or the jury to imprisonment for life. And, as humane judges in England availed themselves of the most technical irregularities in pleadings and proceedings as an excuse for discharging prisoners from the cruel rigors of the common law, so jurors here often refuse to convict for offenses attended with extenuating circumstances rather than submit the offender to what in their judgment is the cruel requirement of a law demanding a minimum punishment. For these reasons the committee adopted these recommendations.

In the fifth place the committee has deemed it wise to make those who are accessories before the fact at common law principal offenders, thereby permitting their indictment and conviction for a substantive offense.

At common law an accessory can not be tried without his consent before the conviction or outlawry of the principal except where the principal and accessory are tried together; if the principal could not be found or if he had been indicted and refused to plead, had been pardoned or died before conviction, the accessory could not be tried at all. This change of the existing law renders these obstacles to justice impossible. An accessory after the fact is herein made subject to one-half of the term of imprisonment or fine imposed upon principals, or where the principal is punishable by death then the punishment for the accessory is fixed at imprisonment for not more than ten years.

These changes are found in the general provisions of the bill and are made in conformity with a general plan indicated on the first page of the bill and are not, therefore, otherwise indicated.

So much with reference to the general scope and provisions of the bill; but before leaving the subject of our Federal criminal code I desire to call the attention of Congress clearly to the existing imperfect system of Federal criminal legislation and to certain consequences that flow from the limitations placed upon the criminal laws of the United States by the decisions of the supreme courts. We have no common law. We can not enforce State laws in the Federal courts. Our jurisdiction is supreme and exclusive over all territory ceded to us by the States under the provisions of the Constitution. Upon the high seas, upon American vessels, and upon all places outside of the jurisdiction of any particular State our citizens must look to our laws alone for protection. We alone can prohibit and punish crimes against all the manifold agencies called into existence by Congress in the execution of its extensive governmental powers and in the protection of the vast army of Government employees employed in the execution of the mandates of our sovereign power.

The scope of this power is rapidly enlarging. Each year the United States Government is making important strides in the assumption and exercise of its recognized constitutional powers and is gradually and necessarily extending its legislation into many fields heretofore left to the exclusive jurisdiction of the States. The extension of its Navy and its expanding foreign commerce have added scope to its admiralty and maritime jurisdiction. The expansion of its postal service, the adoption of new agencies for its distribution, the railway post and rural free delivery, the exercise of its broad powers in subjecting to Federal domination all the instrumentalities of foreign and interstate commerce, the existence of legislation that brings employers and employees engaged in this commerce under the regulation of Federal laws and contemplates the establishment of national quarantine regulations—these, with all their vast and complicated systems of operation, bring within the scope of its territorial jurisdiction new agencies and new subjects for its protection. These facts, together with the enlargement of governmental responsibility by reason of increased population and constantly growing areas of territory brought under its exclusive jurisdiction, all present persuasive, if not controlling, reasons why the great sovereignty of the United States Government should be so armed by a complete and independent criminal code that she may prohibit the infractions of her laws and safeguard and protect thereby her great array of instrumentalities and vast army of agents.

The scope of existing criminal law is inadequate for this purpose. It consists of comparatively few sections and attempts to supply its recognized insufficiency in all that relates to the protection of the life, property, and well-being of the large population otherwise subject to its jurisdiction by a general section which adopts the laws of the various States, and which by legal construction incorporates these laws into the Federal code.

We have seen by previous reference to this kind of legislation that as it now exists it is a makeshift device wrong in principle and altered and amended from time to time to modify its demonstrated inadequacy, and that at the present time considerable areas of populous territories under the exclusive jurisdiction of the United States and the Federal laws are entirely outside of its protection.

The objections to this legislation are manifold and apparent. The effect of this provision does not give the Federal courts the power to administer State laws, but is precisely equivalent to an enactment by Congress embracing every offense constituting the criminal code of the various States into the Federal statutes.

Congress, by the enactment of an omnibus section of this kind, almost at one stroke of the pen, writes into its criminal code the laws of forty-six different State legislatures. It trusts itself to their protection blindly and without any knowledge of their scope or of their provisions. It relies upon these laws which it can neither create, alter, amend, nor repeal and which when adopted are rigid, inflexible, and incapable of being

adapted to any change in its policy respecting the offenses denounced by them. We know little of the adequacy of these laws for our protection. Many of the States in the Union enjoy, by inheritance or otherwise, the benefits of a common law, some by constitutional provisions; some by general legislative enactments; some by judicial construction. They have, therefore, independent of any statutory enactments, the power to indict and punish all immoral and unlawful acts tending to injure the community. They may, and some of them do, rely upon these, and therefore have no statutes prohibiting serious offenses of which the United States Government under these general provisions could avail itself for its protection.

These facts lead me to indorse the wisdom of the general recommendation of the Commission for the Revision of the Laws that Congress should call into operation the dormant powers of the Constitution and provide for the Federal Government a complete code of criminal law independent of and separate from that of the individual States. The Commission has recommended such a system in their report and have prepared and submitted to Congress a bill seeking to accomplish that purpose, which for reasons hereinbefore set forth your committee has felt itself incompetent to adopt.

Now, Mr. Chairman, having attempted to make clear the inadequacies and imperfections of our present law, and having given in detail the features of the bill before us for consideration and the various changes in the organic law intended to be affected thereby, I can not conclude without urging upon the House what in my judgment is a controlling reason why we should pursue this work of the revision of the laws to its completion, not only by the enactment of the present bill, but by the consummation of the entire revision, which is now before our committee and will shortly be reported.

The permanent laws of the United States of America ought to be the most complete and perfect of any nation in the world, because the distinguishing feature of the American Constitution is that it places its courts above the courts of any other nation of the world.

If I were asked to state in brief form the respect in which the American Constitution differed from that of any other nation that had ever existed, whether of a monarchy or a republic, I would answer that the great departure made by the nation builders in forming this Government was to make its judiciary a distinct organic and coordinate part of that Government and to invest in this great third estate thus created the great power of reviewing the acts of both the legislative and executive.

These permanent laws which we are engaged in perfecting are the necessary machinery of these courts and upon these courts have been placed by the organization of this Government greater power, greater responsibility, and greater dignity than were ever placed upon the courts of any nation of the world.

It is safe to say, as a matter of historical accuracy, that this great, silent, unobtrusive, and inconspicuous power (the judiciary) that bears neither the purse nor the sword, but that controls to an almost immeasurable extent the future destinies of the nation, has in the past accomplished more than its full share in the substantial creation of the sovereignty of this nation.

It is a demonstrable fact, though frequently forgotten, that upon the judiciary of this country rests the distinction of giving life, vitality, and power to the paper-made Constitution of 1789. [Applause.]

A brief reference to the accomplishment of the Supreme Court of the United States in this connection seems to me to be entirely appropriate to this discussion, and does, in my judgment, furnish an added incentive and inspiration to this work. Permit me, therefore, to make brief reference to one conspicuous incident in which this court in the exercise of that great power conferred by the Constitution, and in the application and enforcement of the laws of Congress, established for all time those underlying legal principles of constitutional construction that have made the development of this country possible, and which rose at the same time to a height of broad statesmanship; and so employed the well-nigh limitless power conferred upon it to steer the new-launched American nation over the rocks and reefs upon which she had drifted and bring her through great hazards and fearful dangers safely into port.

The incident referred to is the basis of the leading case in American constitutional law and is familiar to every American lawyer, but its great significance as the first exercise of this newly crowned coordinate power of the Government (the judiciary) in the field of constructive statesmanship and of its salutary and striking achievement in the work of nation building is often entirely overlooked.

Go with me back to the beginning of the last century when Robert Fulton, a boy of Lancaster County, Pennsylvania, having read of the great experiments of James Watt in the utilization of fire and steam in propelling an engine, conceived the thought that this great principle might be applied to water navigation. He went to England; became acquainted with Watt; familiarized himself with the principles of the engine. Being without capital he associated with him Robert Livingston, one who, becoming imbued with the spirit of enthusiasm of Fulton agreed to provide the money for his experiments. You remember the story of how the skeptical populace watched the construction of the new boat upon the shores of the Hudson and how, long before the time for its launching, its was ironically characterized as "Fulton's folly." Many efforts failed. Year after year the completion of the new wonder was delayed, until upon a bright morning in 1807 there was launched upon the waters of the Hudson the little *Clermont*, 140 feet long, 16 feet beam, which sailed along, making the stupendous rate of 5 miles per hour.

In that little boat was represented the commercial development that has made the twentieth century the wonder of the ages. In it lay the potential possibilities of our navy; and in it also lay the germ of those marvelous palaces that cross the ocean with incredible speed, with a passenger list exceeding the population of some of the populous cities of those days. And in the launch of that boat was also contained the germ of the development of the Commerce clause of the Constitution of the United States, The establishment of Federal control over the instrumentalities of commerce, That stupendous power out of which has grown absolutely the stupendous and overmastering prosperity and Commercial supremacy of the United States of America.

The story to-day reads almost like fiction and may be regarded as the romance of commercial development.

For the fostering of this invention and for stimulating this great project the State of New York gave to Fulton and Livingston the exclusive right to operate boats moved by fire or steam upon the waters of New York Bay, Hudson River, and within a marine league. These powers had been originally granted to John Fitch, and he had failed. They were extended by legislation from time to time until, at the time of the perfection of the invention, at the time the *Clermont* was declared a financial and commercial success, the successor of Fulton and Livingston, one Ogden, held the exclusive right to operate boats moved by steam upon the waters of New York up to the year 1838, with the power of injunction to restrain any other persons in the use of such power and with the extraordinary power of condemning and taking possession of any vessel operated in violation of this law.

The success of this new creation and boundless commercial possiblities of steam navigation of course excited competition and in the course of a year or two other boats had been built and were plying upon the same waters. Two of these boats, owned by one Gibbons, were enrolled and registered under the act of Congress of 1783, providing for the enrolling and registry of vessels engaged in the coastwise trade and fisheries and in 1816, Ogden, the successor to the rights of Fulton and Livingston, granted by the statute of the State of New York, issued his writ of injunction against Gibbons, condemning and taking possession of the vessels for violation of the special privilege granted by the New York statute in accordance with the provisions of the privilege conferred upon him by that act.

In the meantime the enjoyment of this exclusive privilege conferred by the State of New York, had become a matter of great injury to other States. The State of Connecticut in a spirit of retaliation passed a law prohibiting any boat owned or licensed by Fulton's assignees from entering any of her waters. The State of New Jersey passed a law providing that if any citizen of that State should be restrained by New York from using steamboats between the shores of New Jersey and New York, that citizens should be entitled to an action for damages in the State of New Jersey with treble costs and damages against the person so restraining him.

The trial of this noted cause, therefore, involved for the first time directly the impeachment of the laws of a sovereign State by the Supreme Court of the United States. After an extensive trial the chancellor of the State of New York sustained the injunction and the forfeiture, and the case was then carried to the supreme court of errors and appeals in the State of New York, and the decision of the chancellor below was sustained in a learned opinion by the most eminent judicial authority in the land. By this opinion it was judicially established that the several States had jurisdiction over their own waters and that the exclusive grant by the legislature of the State was within the power of the State; that the com-

merce clause of the Constitution of the United States as exercised in the act of 1793, passed in pursuance thereof, did not and could not prohibit the exercise of this power by the individual States.

Accustomed as we are to-day to the universal existence of Federal control of interstate commerce and to the universally recognized legal principles that control it, it is difficult for us to understand how the early judges could have been so misled or to comprehend how any effective legal argument could be made that sought to establish the right of the individual States to limit, restrain, or regulate interstate and foreign commerce or any of the instrumentalities connected therewith. Our views, however, are influenced by the fact now so universally recognized, that any other construction would be utterly destructive to our commercial prosperity; would so completely dissipate our industrial supremacy, and would so inevitably have resulted in the dissolution of the Union of the respective States, that it seems contrary to the processes of human reasoning that such views should ever have been seriously entertained. But the standard of judgment in 1816, when this case was tried in the State of New York, and in 1824, when it was argued before the Supreme Court of the United States in Washington, and the point of view upon these subjects were widely different from what they are to-day.

It was shown in the trial of this case that the act of the legislature of the State of New York granting this exclusive privilege had been approved by John Jay, then governor of New York, and the first Chief Justice of the Supreme Court of the United States; by Chief Justice Lansing of the State of New York, who was one of the leading lawyers sent to the convention that formed the United States Constitution; that it had been approved by the four committees of revision composed of the leading lawyers of that great State who represented the then most advanced legal learning of the country; that it had been decided to be constitutional by the court of Chancery of the State of New York and by the court of Errors and appeals, the highest court of that State, in an opinion of great learning and based upon the soundest legal reasoning of the times. So strong, indeed, was the current of legal authorities that Mr. Webster, in arguing the case for the United States before the United States Supreme Court, admitted that the established current of legal authority was strongly against his position; that the weight of the opinion of the learned judges who had sustained the constitutionality of the act of the State of New York was so great that a heavy burden was upon him to establish by sound legal reasoning upon first principles that the decision of these courts was fundamentally wrong.

In order to obtain a proper conception of the political situation at that time it must not be forgotten that the popular attitude of the country was emphatically opposed to the centralization of power in the General Government. The people everywhere were jealous of State prerogatives. The first attempt to enforce a provision of the Federal Government against a State had created such popular indignation as to result in an amendment to the Constitution. The State of Virginia had refused to obey the mandate of the Supreme Court of the United States, which had reversed a decision of her highest court upon the ground that there existed no constitutional power in the Supreme Court of the United States to review the proceedings of a State court.

The recognition of these facts presents forcibly to our minds to-day the stupendous interests then involved and the powerful popular and political influence that controlled the opinions of the country and that were likely to be reflected in the opinions of the courts. In the light of these facts, no one to-day can look upon this case in any other light than as an epoch in our national history—the turning point in our national career—the test of our newly established third power under the Constitution. A case in which the absence of power in the Supreme Court, mistaken judgment, judicial timidity, or partisan infirmity, would have inevitably changed the character of our American nation and have made utterly impossible its present imperial greatness; and would have of necessity resulted in the disintegration of the newly established Government and in the overthrow and destruction of all hope for its success.

The arguments of counsel before the Supreme Court in that case recalls forcibly the temper of the times and the weighty significance of the event. Counsel for the claimants contended that—

> in respect to interstate and foreign commerce, local interests and details existed which could not well be presented to or understood by Congress and could be provided for by the State legislatures emanating from the very people to whom they related. This view of the State was exceedingly strengthened when we contemplate the future increase and extent of the Confederacy. The thirteen original States were a band of brothers who suffered, fought, bled, and triumphed together. They might perhaps each have safely confided his separate interests to the general will. But if ever the day should come when Representatives from beyond the Rocky Mountains should sit in this Capitol; if ever the Members of an inland delegation should wield the exclusive power of making the regulations for our foreign commerce without unity of interests or knowledge of our local circumstances, the Union will not stand. It can not stand. It can not be the ordinance of God or nature that it should stand. To give to Congress this exclusive power makes a wreck of State legislation, leaving only a few standing ruins to mark the extent of the desolation.

The eloquent William Wirt, Attorney-General, in reply, uses the following language, significant of the stupendous interest involved and of the mighty issues of this contest. Said he:

> It is a momentous decision that this court is called upon to make. Here are three States almost on the eve of war. It is the high province of this court to interpose its benign and mediatorial influence. The framers of our admirable Constitution would have deserved a wreath of immortality which they have acquired had they done nothing else than establish this guardian tribunal to harmonize the jarring elements of our system. But, sir, if you do not interpose your friendly hand and extirpate the seeds of anarchy which New York has sown, you will have cruel war—the war of legislation which has already commended will become a war of blows. Your country will be shaken with civil strife; your republican institutions will perish in the conflict; your Constitution will fall; the last hope of nations will be gone; the friends of free government throughout the earth will witness our fall with dismay and despair; the arm that is everywhere lifted in the cause of liberty will drop unnerved by the warrior's side. Despotism will have its triumph and will accomplish the purpose at which it clearly aims. It will cover the earth with a wreath of mourning.

It was under these circumstances, in this crisis, amid all these powerful, conflicting conditions, that this great central principle of our Federal Sovereignty and Federal control was forged and shaped. It was the great good fortune of this country that our Constitution-makers had made the Supreme Court a part of its organic system; that it had made it a coordinate power and that it had committed to such a tribunal the decision, final and absolute, of such epoch-making questions. It was also fortunate for the United States that at that time there occupied the chair of the Chief Justice a man of the wisdom, patriotism, statesmanship, and courage of John Marshall; a man able to rise above the seething currents of popular prejudice, to view from the serene light of fundamental legal principles the effect of his decision upon the future history of his country; a man possessed of sufficient political sagacity to extend by judicial construction three words in the Federal Constitution, the words in the general enumeration of the powers of Congress, "to regulate commerce," into a complete and extensive system of Federal control of commercial instrumentalities; to declare judicially and finally that commerce comprehends navigation within the limits of every State in the Union, so far as navigation is connected with commerce with foreign nations and between the States, and to declare as a fixed principle that the power of Congress to regulate interstate and foreign commerce is exclusive and that the inland waters and great transportation lines were avenues of commerce and under the exclusive jurisdiction of the United States for that purpose.

Thus the national power to regulate interstate commerce, that great principle which confessedly is the source of our stupendous material development, is the absolute creation of the Supreme Court of the United States, and its existence to-day as the basis of our industrial and commercial power is not due to any wise, fearless, and sagacious President of the United States, nor to the wisdom and constructive ability of any Congress of the United States, but it owes its existence as a great cardinal principle of national development to the matchless statesmanship, broad learning, and dauntless courage of John Marshall, Chief Justice of the United States.

In fact, the achievements of the judiciary of this country has contributed so marvelously and wonderfully to its permanent establishment that the student of American history searching for the great builders of this nation must add to the names of a Washington, an Adams, and a Jefferson, those of a Marshall, a Story, and a Jay.

These permanent laws are the necessary machinery of that court. Let us perfect them by the complete revision they so urgently require. [Applause.]

Mr. SHERLEY. Mr. Chairman, it would seem almost useless after the very unusual and very able speech made by the chairman of the Committee on the Revision of the Laws to add anything in regard to the bill that is now before the committee for consideration. But it may be that some have come in since the gentleman started his remarks to whom it will be well to call attention to the purposes of the bill, and also to speak of one or two things that have of necessity escaped the attention of the gentleman from Pennsylvania.

Before going into a discussion of the bill, I want to second the remarks made by the gentleman as to the supreme importance of this bill. It is unfortunately dry; it is unfortu-

nately technical; but it does really represent the most important work given to government; for, in my humble judgment, the real purpose of government is to do justice between man and man, and whenever it goes outside of that plane it enters upon dangerous and uncertain ground and with a result frequently more harmful than beneficial.

We live under a peculiar Government, due to its dual character and limited power. We have to determine in this country not only what we ought to do, but what we can do, because we have a Government limited both as to which sovereignty shall exercise the power and limited also as to what matters can be dealt with at all. The one important original idea contained in the Constitution of the United States is the supremacy that is given to the judiciary. The thing that makes our Constitution unique from every one in the world is the fact that the Supreme Court of the United States is given power to say if the other branches of the Government have exceeded their power; has the right to declare null and void an act of the Legislature of the National Government; has the right to have disregarded the action of the Executive when it is beyond his power; and has the further right to say when the States have exceeded their sovereign powers. That is the greatest power ever given to a tribunal, and it is, as I have said, the one great characteristic of the American Constitution, and to it we owe more of the stability and grandeur of this country than to any other provision in that instrument.

Those who have read the history of America know that the real law of America is what finally exists after the statutes have been construed and passed upon by the courts of the land, that what passes Congress does not necessarily become the law of the land. Through the decisions of the Supreme Court the Constitution, open to many constructions, was so interpreted as to create a nation with power over matters of national importance and at the same time to preserve the sovereign States and their sovereignty over those matters peculiarly pertaining to the respective States and not to the nation at large. There have been times when the decisions of this court in the performance of its great functions have aroused great excitement and at times great indignation; but with the exception of the Dred Scott case nearly every decision of that court undertaking to lay down the limits of national and State power has met with the final approval of the American people; and today it may not be inappropriate, when it has become the fashion of some of those in high places to criticise the judiciary, to call attention to these facts. Certainly, no man from my section of the country should ever care to utter a condemnation of the judiciary, for when passion ran riot, when men had lost their judgment, when the results of four years of bitter war produced legislation aimed not at justice, but frequently at punishment, it was the Supreme Court that stood between the citizen and his liberties and the passion of the hour. [Applause.] And I trust the day will never come when the American people will not be willing to submit respectfully and gladly to the decrees of that august tribunal. Temporarily they may seem to thwart the will of the people, but in their final analysis they will make, as they have made, for orderly government, for a government of laws and not of men, and we may be sure that the Supreme Court in the pure atmosphere of judicial inquiry that has always surrounded it will arrive at a better interpretation of the powers of both State and National Governments than can be possibly hoped for in a forum like this, where popular prejudice and the passions of the hour affect all of us, whether we will or no.

Now, gentlemen, this particular bill relates only to the general criminal laws of the United States. And I want to emphasize what it contains by stating what it does not contain. It does not touch anything regarding procedure. It has nothing to do with the question that has been agitated looking to a change of the jurisdictions of the circuit and district courts. Those matters will properly come under the judiciary title, which we hope to bring before the House before many weeks. It in no sense relates to officers, clerks, fees, or anything affecting the organization of the courts. It does not contain quite a number of penal provisions. Those provisions relating to internal revenue, relating to customs, relating to many other subjects that are a part of the substantive civil law, have not been carried into this revision.

The Commission undertook, when it first started upon its work, to embody all criminal law in this code—for instance, the penal laws in regard to internal revenue—but the members of that Commission soon discovered that it was impossible, without a complete duplication of laws, to effect that result. While the internal-revenue laws are full of many important penal provisions, they are always so intimately connected with the administrative features of that law that it is impossible to separate them, and we have not undertaken to do it.

I shall, subsequently, under the leave that I shall ask for, print a statement showing the general laws of the United States having criminal provisions not separable from the context, which are not included in the penal code. They relate to many departments and many subjects. We have, however, taken all the penal laws of a general nature and brought them together in this codification.

You have already been told the history of this Commission that was given charge of this work originally, how its powers were enlarged from those relating only to the criminal code until they embraced all of the substantive law of the United States. That Commission has made its final report, and it is the hope that either the Committee on Revision of Laws of the House or the joint committee of the two Houses, if it shall be continued, may bring to the attention of Congress from time to time the various parts of this general codification or revision, so that we may adopt one revision that shall embrace all of the existing law of America and that the disgrace which now exists in regard to our law shall be done away with. Surely one of the reasons for the criticisms that are sometimes thoughtlessly urged against the courts is because of the ignorance of the public generally as to the law and also because of the very loose and careless way in which we enact law in this body. It is impossible for a body of this size to give that attention to style and to expression that should be given to make easy the enforcement of the laws. We turn out legislation here every day that defies the brightest intellects to determine exactly what was meant and that can not be properly enforced until after a series of adjudications by the highest court of the land.

Now, perhaps it is needless for those of you who know my mental make-up to be told that the attitude of myself toward this work has been one against the creation of new law, but it is proper to add that I found that attitude to be held by all the other members of the committee. We have not undertaken to usurp the jurisdictions of the various committees of this House. So careful were we not to do that that in certain instances where we had new penal sections that we thought ought to be enacted we submitted them to the Judiciary Committee of this House for their views upon them before embodying them in this revision. We have made no change in existing law in the way of new enactment that was not plainly in furtherance of the existing law. No question that involved a policy, no question about which there might be differences of opinion, politically or otherwise, has been embodied in this work. We have taken laws, for instance, relating to counterfeiting and so written them as to embrace new methods of counterfeiting. We have, in other words, modernized certain penal laws, so worded them as to meet the exigencies of the day, and in a few instances, where the Departments have reported to us a failure of justice because of some defect in a particular law, we have undertaken to remedy that, but we have in no way attempted to bring into this revision new laws that should properly come from other committees.

As stated by the distinguished chairman of the committee, out of 174 sections reported by the Commission but 21 were put into this revision by the committee.

Mr. MOON of Pennsylvania. And only ten carrying new law.

Mr. SHERLEY. And, as suggested by the chairman, only ten of these carried what might really be called new law. In the report, which is very carefully drawn, will be found an accurate statement of these new sections and all they pertain to.

We have two sections under the titles of "Offenses against the operation of the Government," section 33 relating to false acknowledgment and section 47 relating to unlawful entering forts, etc. Those were the result of recommendations made to us by Departments and not simply an expression of our views of the needs of such legislation. Then we have "Offenses against official duties." Section 107 relates to falsely certifying the records of deeds. Section 108 relates to other false certificates. In "Offenses against public justice" we have a provision in regard to a juror or judicial officer accepting a bribe. We have a provision in regard to a witness accepting a bribe and a provision in regard to a prisoner who escapes or attempts to escape. Under "Offenses against currency and coinage" we have made it an offense to connect parts of different instruments. There has grown up a practice among some criminals in the country to take different parts of a bill and by putting them together to create apparently a bill of a higher denomination and of greater value. There was no law under which such offenders could be punished, and the committee have properly recommended such a law. And in offenses

against the postal service there is a section regarding a false claim to a registered letter.

Perhaps no subject that we have to deal with has given as much trouble to the committee as the subject of the admiralty and maritime jurisdiction of the United States. The Federal Government obtains its jurisdiction over most subjects and places within such jurisdiction by virtue of three provisions of the Constitution. First, from that provision in section 8 relating to any land that is set apart for the exclusive use of the United States, like a fort, arsenal, dock yard, etc. That section has been so enlarged by judicial construction as to embrace practically all the different kinds of land now owned by the National Government. Secondly, the Government gets jurisdiction in penal matters under the admiralty and maritime provision of the Constitution, and, lastly, it obtains jurisdiction under the interstate-commerce clause of the Constitution.

An examination of the existing law, as well as the decisions pertaining to them, will show that there is no general definition undertaking to precisely define the limits of the jurisdiction of the United States. Certain statutes give a very much broader jurisdiction than others. This has not been because of a desire to restrict the jurisdiction, but it has been due to uncertainty as to what the jurisdiction was and the language which should be employed in regard to defining that jurisdiction in its fullest sense. We have therefore undertaken to provide a general section which sets out the jurisdiction of the United States and relies for its power not upon any one but upon all three of these provisions of the Constitution for its constitutionality. And I particularly hope that the lawyers of this body will examine with peculiar care that section and let the committee and the House have the benefit of their investigation. I am quite sure that there is no member of the committee who feels entirely satisfied with his research in that regard. While we have presented what we believe is a proper section, properly designating this jurisdiction, it is a very great question, and its consideration involves a labor far beyond what might be expected from a cursory study of the subject.

We hope that Members will give it their special attention, because it is peculiarly important that we should have such a general definition and we should know beyond question where the jurisdiction of the Federal Government in this character of cases extends.

In regard to piracy and other offenses upon the seas, we have added a section defining vessels of the United States. As to certain offenses in the Territories, we have designated places within which certain sections shall apply.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman state—I have not examined that section of the bill to find vessels of the United States—but I wish the gentleman would state that very briefly. Under existing law, I think it is an offense against the Federal Government for any citizen to commit a crime upon any boat owned in whole or in part by an American citizen, notwithstanding its registry. My understanding is that the nationality of a boat is determined by its registry and not by the question of ownership. That is a problem which has given me not embarrassment, but involved my judgment in a good deal of uncertainty, and it occurs to me that we have no more criminal jurisdiction over a boat simply on account of the ownership by an American citizen than we would have over a farm in Russia because of the fact that it might be owned by an American citizen.

Mr. SHERLEY. In answer to the gentleman I will say that we provide that a vessel of the United States shall be—

Any vessel belonging in whole or in part to a citizen of the United States or to any corporation created by or under the laws of the United States, or of any State, Territory, or district thereof.

The gentleman is mistaken in his statement that the registry of a vessel determines the country to which it belongs. So far as the penal laws are concerned, the recent decisions are, as I understand, to the effect that ownership, and not the flag that flies, determines the jurisdiction of our courts.

Mr. CRUMPACKER. It may be that the gentleman is correct, but my understanding was different. Suppose a boat is registered as a Belgian vessel and flies the Belgian flag and is owned in part by a citizen of the United States. Which country then would have criminal jurisdiction upon the deck of that vessel, the United States or Belgium?

Mr. SHERLEY. My understanding is that the registry and the flag are evidences of the country to which the ship belongs, but that they are not conclusive evidences of the fact, and that our courts have held that where the ownership is partially that of an American citizen, and certainly where it is wholly that of an American citizen, without regard to registry or flag, it is subject to our laws and within our jurisdiction.

Mr. CRUMPACKER. Suppose it is owned one-fourth by an American citizen and three-fourths by people of Belgium. Which country, I would like to know, would have jurisdiction, or would both?

Mr. LITTLEFIELD. Let me ask this question, and perhaps that will settle it. Could such a vessel be treated as an American vessel within the meaning of the statute under any circumstances?

Mr. CRUMPACKER. He describes it as one in his bill—owned in whole or in part.

Mr. LITTLEFIELD. "Owned in whole or in part" is intended, I suppose, to cover a multitude of owners. Of course the general statute is that no vessel is entitled to American registry unless owned fully by an American citizen.

Mr. SHERLEY. The gentleman is now dealing with the question of what entitles a vessel to registry or enrollment or license, which is an entirely different question from that of the jurisdiction of the Government applying to the vessel. I will say to the gentleman from Indiana [Mr. CRUMPACKER] that the provision I have just read him is all contained in one of the statutes of existing law, and while I am not prepared on the moment to say that in the case suggested by the gentleman, where one-fourth of the ownership was American and three-fourths Belgian, that the Federal Government would have control, my impression is that while we, of course, could not affect Belgium, and what rights she might undertake to assert under her jurisdiction, yet the recent decisions do give jurisdiction over a vessel under these circumstances. The gentleman's question, however, aside from the poor information I have been able to give him, is of value in illustrating the difficulty of the questions presented to us, and it is in those matters that we particularly desire the aid of the Members of the House.

Mr. LITTLEFIELD. That gives concurrent jurisdiction, I should say, on that theory.

Mr. SHERLEY. Then, we have had added, under the title of "General provisions," five sections, one defining felonies and misdemeanors, which has been carefully explained by the chairman. It simply provides that where the punishment may be for a longer period than one year the crime shall be treated as a felony; otherwise as a misdemeanor; and it is unnecessary, in view of what has already been stated, for me to go into an explanation of the reason for that.

Mr. HUGHES of New Jersey. I will ask the gentleman to turn to section 85, page 92. I would like to have his opinion as to whether or not that language is not somewhat ambiguous. It is dealing with the question of the contribution of national banks to political funds, and it strikes me that the language of the section is too broad, and may defeat the object of the section. I want the gentleman's opinion on that. The Supreme Court, if the gentleman will remember, has just decided that—in the employers' liability case, in which Congress attempted to deal with State and national jurisdictions at one and the same time. The language of this section would seem to me to be open to the same objection, inasmuch as it says:

It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator—

Or any State election, whatever the language is.

What occurred to me was that a contribution might be made for the purpose of electing a county officer or some other officer at that same election; and if it was held that Congress could not punish for that, the whole section might fail.

Mr. SHERLEY. As I understand the gentleman, he is referring to section 85 of the proposed law.

Mr. HUGHES of New Jersey. Yes, sir.

Mr. SHERLEY. My answer to the gentleman, first, is that the section is existing law. Secondly, in regard to its unconstitutionality, I think the gentleman is in error. The section does not deal with any person. If the section undertook to punish any person for contributions made to elections without regard to whether they were Federal or State, it would clearly be broader than the powers of Congress and unconstitutional. But the section is limited in its application to corporations created under authority of Congress, national banks, and so forth, and I am inclined to believe, being limited to those creatures of the National Congress, that Congress would have the right to put such restrictions upon them both as to Federal and as to State elections and make their violation penal. I answer the gentleman now simply by saying that the section is existing law, and of course, on the spur of the moment, the gentleman can hardly expect me to be able to go into detailed argument of any section in the code. I think that his criticism is not well founded, but when the section is reached I should be glad to have the matter called to the attention of the committee.

Mr. HUGHES of New Jersey. I would like to call one part of it to the gentleman's attention right now. Under this section, and in view of the gentleman's explanation of the section, what would be the effect of this corporation making a contribution for the election of a county clerk, we will say, in an election at which a Representative was to be elected?

Mr. SHERLEY. If the proof was obtained and the corporation proceeded against—two propositions sometimes unfortunately ignored—I have no doubt a proper jury would return a verdict of guilty and the corporation would be fined in accordance with the provisions of the section. In other words, I think the section is constitutional.

Mr. WILSON of Pennsylvania. Referring to page 12, section 19, I find it reads—

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States * * * they shall be fined not more than $5,000, etc.

What I wanted to ask the gentleman is this, Would that clause in its present language constitute a trade union a conspiracy whenever it undertook by strike or similar process to secure higher wages from an employer?

Mr. SHERLEY. The gentleman's question, I think, can be answered in one word. No. That section is, perhaps, in many ways, the most important section in the criminal law of the United States. There is no section of the law that has been as often construed by the Supreme Court as that. It was a section contained in the civil-rights act, and was originally passed aiming at the Ku Klux conditions that were said to exist in the South at that time. But its terms were very much broader than the condition it sought to deal with, and its constitutionality has been repeatedly upheld by the Supreme Court, particularly in the Cruikshank case, and the section has been held to apply to a great many different conspiracies. But I have never heard it intimated that it would embrace such a condition as stated by the gentleman.

Mr. WILSON of Pennsylvania. Mr. Chairman, I am induced to ask the question because of the fact that we have in the northern district of West Virginia at the present time a restraining order issued by Judge Dayton, restraining the mine workers' organization from inducing the employees of a certain coal company to join the United Mine Workers of America. And that would indicate in the eyes of the world at the present time a constituted conspiracy.

Mr. SHERLEY. By no means. An injunction is not a criminal process, and it does not follow that because such an injunction has been issued that the basis for it is this particular section. Of course, I can only give the gentleman my opinion. I can not say what the courts will hold this section to embrace, but I have no idea it will ever be held to embrace such a case as stated by the gentleman.

To come back, Mr. Chairman, to my statement, another section that we have embodied in the penal code is in regard to the construction of certain words, such as that the singular shall include the plural, etc.

Mr. HEPBURN. May I ask the gentleman a question here?

Mr. SHERLEY. Certainly.

Mr. HEPBURN. On this portion of your work under which you have discussed construction I would like to ask a question; and I premise by saying I have prepared, somewhat hastily, an amendment that I thought possibly I might offer—that the rule of the common law that criminal statutes shall be strictly construed shall not be applied to the construction under this code, but its provisions shall be liberally construed by court and jury so as to prevent evasion and promote justice, and no assignment of error shall be considered unless a substantial right has been impaired. Is there anything in the code in the matter relating to construction that is at all similar to this proposition?

Mr. SHERLEY. There is not. I think, if the gentleman will permit the suggestion, his proposition, which is a very interesting one, is really divisible, and that which relates to the abolition of the rule that holds that a penal statute shall be construed strictly would properly come under the section relating to definitions, and so forth; that which relates to what shall be considered as error on appeal should probably go to the section relating to procedure. But, as a general answer to the gentleman's question, I would further say that while I think there has been a grave abuse in the administration of the law, or rather a great laxity, and that the doctrine that ninety-nine guilty men should go free rather than one innocent man should be punished has been worked overtime, I am not quite prepared to say that the penal law should be construed in a lax or liberal way, but rather that the citizen ought to be protected in all his rights, for the lawmaking body not only undertakes frequently to make punishable what is malum per se, but also what is simply malum prohibitum. The law should be plain enough to apprise the citizen of the offense created and then construed strictly, but also so as to promote justice to both the Government and the accused.

Mr. HEPBURN. The gentleman will see that I did not make it so that it was merely a liberal construction, but so as to prevent evasion and promote justice.

Mr. SHERLEY. My answer to the distinguished gentleman is that the Supreme Court in a number of cases has, in speaking of that very rule relative to the construction of a penal statute, held as I have just stated, that by construing it strictly was meant not a construction depriving it of proper force, but a construction in accordance with justice not only to the Government but to the individual.

Mr. HEPBURN. But the gentleman will remember that the great multitude of technicalities through which criminal justice or the administration of criminal justice becomes a farce arise out of that rule of construction and out of the insistence that criminal statutes shall be strictly construed.

Mr. SHERLEY. I think the gentleman gives undue importance to that particular rule. A large part of the failure of justice is due to a mistaken sentimentality on the part of jurors, a large part of it to the ignorance of the prosecuting officers, and a very large part to technicalities distinct from the rule of construction that the gentleman speaks of.

In the next new section we propose the elimination of the words "hard labor" from all statutes, so as to leave the matter in the discretion of the court. By this I do not mean that we propose to authorize the court to impose hard labor in the sentence imposed, but by designating the particular penitentiary at which the person convicted shall be confined to indirectly do it. Such convicted person will be amenable to the discipline of that penitentiary, and if it be one in which hard labor is part of the discipline, the Federal prisoner will have to undergo hard labor. The last section simply states that the jurisdiction of the circuit and district court shall be as heretofore. The judicial title when it is brought in will contain a provision changing the jurisdiction of those courts, but that is not affected in this revision.

Mr. Chairman, nothing further occurs to me at present as necessary to add to the elaborate statement made by the chairman of the committee. I shall be glad to answer any inquiry that I may, if the gentleman from Pennsylvania [Mr. MOON] and myself have failed to make clear just the purport and scope of this bill. If, however, no gentleman desires to make an inquiry I shall not consume any more of the time of the committee. [Applause.]

Mr. Chairman, I yield ten minutes to my colleague on the committee, the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, I desire to reiterate the statement made by the gentleman from Kentucky [Mr. SHERLEY] in the beginning of his remarks, which was appropriate then, and which is doubly appropriate now, "that it seems unnecessary, after the remarks of the gentleman from Pennsylvania [Mr. MOON] to take up time in going into any detailed account of this pending legislation." However, as a member of the House Committee on the Revision of the Laws and the joint committee that has submitted this unanimous report, I feel impelled to offer a few reasons why, to my mind, this House should consider and pass the bill now under consideration by the Committee of the Whole.

The interests that are involved in the passage of this bill are not such as ordinarily attach to the passage of a bill on any given subject. Urgent as often is the consideration and passage of a law because of the great interest at stake, it usually involves one subject and affects one particular class of interests. It is not so with this bill. Its effect is far-reaching. It sets out the law governing all men subject to the jurisdiction of the United States. No partisan spirit is involved in the consideration of this measure. It is one that we approach the consideration of with absolute freedom from party bias. It is one that involves the interest of our entire citizenship; and to the extent that it is aware of the condition of our law the country is calling for this legislation. And this bill will be considered, I confidently believe, in a spirit of broad patriotism such as I feel naturally controls the American citizen whenever called on seriously to consider the interest of the whole country.

The history of the legislation in regard to the revision and codification of the laws of the United States has been so clearly and accurately set forth in the remarks made by the distinguished gentlemen from Pennsylvania [Mr. MOON] and Kentucky [Mr. SHERLEY] that it is unnecessary to go into the details, only to the extent of calling attention to the prominent general facts of legislation and the work under the same that

have preceded the preparation and introduction of this bill by the joint committee. And it is my purpose to-day only to call the attention of this body to some prominent facts connected with this subject that are well known to those who have taken the pains to investigate it, and that have become manifest and familiar to those of us who have been engaged in this tedious work.

In 1897 the law was passed providing for the appointment of a Commission to revise and codify the laws, applying only to the revision and codification of the criminal laws of the United States. In 1899 by Congressional enactment the work of the Commission was enlarged by adding to the same the revision and codification of the judiciary act and its amendments. In 1901 there was included in the work of this Commission the duty to revise and codify all laws of the United States of a permanent and general nature in force at the time when it shall make its report, as is set out in said act of March 3, 1901, as follows:

That the Commission authorized by the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, to revise and codify the criminal and penal laws of the United States, is hereby directed to revise and codify, in accordance with the terms and provisions of said act and the acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported.

That in performing this duty the said Commission shall bring together all statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and may propose and embody in such revisions changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same.

That the said Commission shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions with headnotes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United States explaining or construing the same; and shall provide by an index for an easy reference to every portion of such revision.

That when the Commission have completed such revision in accordance herewith, it shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine.

This Commission that was created in 1897 engaged in this work and its final report was made in December, 1906, at the mandate of an act of Congress passed in June, 1906. The committee of the House has given much time to the consideration of the report of that Commission. Also the joint committee of the Senate and House has given it much industrious and laborious thought, the result of which is the submission of this bill to the consideration of this body. There has been much discussion and consideration in the two committees—that is, the House committee and the joint committee—during the sittings and work of the two committees, as to the nature and scope of the work devolved upon the Commission in the first place and to the extent to which this committee should go in the recommendation of changes in existing law. Naturally there was some variance of opinion in the outset as to the extent we should go and the power given us under the law providing for the work of revision, and I suppose it is not improper or unparliamentary to mention the varying conditions of mind and judgment that the membership of this committee underwent as we progressed in the work. The idea that we should only prepare a compilation and codification of the existing law, which some Members of this House now seem to entertain, had some adherents at the outset, but the study of the acts and resolutions creating the Commission and afterwards extending its powers, I think, convinced our committee that under these laws and resolutions we were empowered to recommend the correction, the amendment, and the changing of existing laws where the same were manifestly needed. This view was afterwards modified to some extent, or rather, I should say, action under this view became more and more conservative as we proceeded with the work. And while I have thought we were too conservative in some instances, but this conservatism was caused by the great desire that we should submit a bill as free from objection and criticism as we could make it. This anxious desire on the part of the committee came from a deep and abiding consciousness of the great need of the passage by this Congress of a revision and codification of the law that would be clear, accurate, and in convenient form to the lawyer and layman without a search through the desultory enactments that to-day embrace the criminal laws of the United States.

The necessity for present legislation such as is involved in the passage of this bill is realized and called for by the legal profession in every part of this country. They want an accurate and an available means of determining what the law is. They want the confusion that now exists clarified and set out in a concise publication of the law of the land. They have a right to this. The burdens attendant upon the practice of law and involved in the extensive labor and research absolutely necessary to find out what the law is as it now exists is a cause of complaint to the entire profession, and they are entitled to relief from this condition. They are calling for this from one end of the land to the other. The profession is entitled to a systematic and accurate compilation of the law formulated in the most convenient manner possible. No legislation could relieve this class of our citizens more readily from the burdens and exactions of unnecessary labor than the enactment of this or similar legislation. But this relief from labor, this relief from confusion, annoyance, and perplexity to that class of our people engaged in the practice of the law in the courts of the United States, great and crying as that need is, is by no means the strongest reason for the passage of this bill. The great body of the people of this nation who are amenable to the Federal law of the country, the great mass of our people bound to obey this law and liable to punishment for its violation, have a right to know what the law is, and they are entitled to every means that would facilitate that knowledge. It is an old maxim of the law that "Everyone is presumed to know the law." This maxim, hoary with age and necessarily and absolutely correct in legal interpretation as it is, is often commented upon and referred to in irreverent tone, and denominated as a most violent presumption. This just and correct maxim often impresses the layman as a travesty upon law and as a proposition utterly inconsistent with the experience of mankind. The justness of a criticism of this kind is very striking when the written law of the land is as confused, desultory, and difficult of search as it stands in the written statutes of the United States to-day. It is hard to impose upon the laymen obedience to a law that the lawyer can not find.

The fact alone, Mr. Chairman, that in order to keep up with the laws that define offenses and denominate crimes a man must read all the appropriation bills passed by each successive Congress is enough to convince us of the urgent and crying need for a collection and revision of the criminal laws of the land. The laws that create many of the offenses defined in our statutes are hidden away in appropriation bills in such manner as to be almost undiscoverable, with nothing in the title of the bill or its subject that would give the least index or indication that it contained such a statute creating a public offense, the commission of which offense subjects an American citizen to fine and imprisonment.

This extract, taken from the report of the joint committee, shows the present form of our published statutes:

The present condition of the published statute laws of the United States affords ample justification for the imperative existing demand for prompt action upon the part of Congress in enacting this revision.

The published statutes of the United States—the only available form in which they exist—for judicial, professional, or public use or information are contained in the following books:

1. Revised Statutes, 1878.
2. First Supplement to Revised Statutes.
3. Second Supplement to Revised Statutes.
4. Statutes at Large, volumes 32, 33, and 34.

To all except the trained lawyer a reference to these recognized sources of existing law is both perplexing and misleading. They are of widely different authority, authenticity, and evidential value. A brief explanation of the contents of these respective volumes will be of value in this connection.

And I suggest the careful reading of the explanations set out in the report following the above extract.

In order to direct your attention to a brief and concise statement of the scope and extent of this measure I submit to you a short extract from the report of the joint committee containing a summary of the work of the committee in formulating this bill:

Your committee feels justified in saying that under this title it has—

First. Brought together all statutes and parts of statutes relating to the same subject.

Second. Omitted redundant and obsolete enactments.

Third. Made such alterations as seemed necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text.

Fourth. Proposed and embodied in the revision such changes in the substance of existing law as in our judgment were necessary and advisable.

We have by no means embraced in this bill all the changes in the criminal law that we might approve under separate enactment. We have failed to include many recommendations of the Commission that we would support as a special bill, but for the reasons already mentioned they are not included in this bill.

Mr. Chairman, the imperative necessity for this revision must be patent to every Member of this House. It is a fact that the lawmakers of this Government have been strangely remiss in this character of legislation, and the dereliction of the past and

the resulting confusion and difficulty emphasize the importance of the present enactment of a systematic, uniform, and convenient code of laws.

Let me briefly call your attention to the history of the legislation on this subject as set out in the report submitted by the House Committee on the Revision of Laws to the Fifty-ninth Congress, as follows:

A brief history of the criminal legislation of the United States will be of interest in this connection.

The first criminal code enacted was passed at the second session of the First Congress, and became a law on April 30, 1790. It contained thirty-three sections and was modeled largely after the criminal laws of England, and provided punishment for treason, piracy, murder, arson, and other conspicuous common-law crimes. This act was passed in the full belief by the legal profession and the judiciary of that time that the courts of the United States, created by the judicial act of 1789, had common-law jurisdiction, and that independent of the statutes all crimes against the sovereignty of the United States could be punished.

Justice Story himself contended that the circuit court, by the judicial act of 1789, had cognizance of all offenses against the United States, and having cognizance of all offenses against the United States, might punish them by fine or imprisonment where no punishment was specifically provided by statute.

This belief was finally overthrown in 1812, when the United States Supreme Court announced, as a fundamental doctrine of construction, that the Federal courts have no criminal common-law jurisdiction; that they can exercise such powers only as are conferred upon them by Congress; that no act can be punished as a crime against the United States unless Congress has declared it a crime and prescribed its punishment and designated the court which shall have jurisdiction of the offense; but that where the act of Congress punishes an offense without defining it otherwise than by giving it a common-law designation the courts must look to the common law for the definition and elements of the offense.

The overthrow of this common-law theory revealed the inadequacy of the criminal provisions contained in the act of 1790 and resulted in an immediate agitation by the legal profession and the judiciary for an amplification of the criminal laws. It was declared that half of the most notorious crimes which the General Government was alone competent to redress were beyond the reach of judicial punishment.

After much agitation upon this subject, the act of 1825, drawn by Justice Story and introduced by Daniel Webster, was passed. This act, as originally introduced, contained 70 sections of new law, but owing to the indifference of Congress and the difficulty of securing legislation, after it had passed the Senate and two attempts to secure its passage by the House had failed, it was cut down to 26 sections, and then passed by both Houses and became the law. These new sections related chiefly to offenses upon the high seas and counterfeiting. These 26 sections, in addition to the 33 sections already existing, constituted a criminal code of 59 sections. The insufficiency of the legislation contained in this law was keenly felt by the courts and the profession generally, and was attempted to be supplied by a provision in the law of 1825, section 3, which provided that if any offense was committed in any place ceded to or under the jurisdiction of the United States the punishment of which was not provided for by any law of the United States, it should receive the punishment prescribed by the law of the State in which the place is situated for like offenses.

The limitation of this provision seems to have been imperfectly understood at the time, and its subsequent judicial construction so narrowed its operation as to make it largely inoperative for this purpose. It was held in the case of United States *v.* Paul, 6 Peters, 141, that the laws of the States therein referred to could be only such laws as were in existence in the various States at the time of the passage of this act, to wit, March 3, 1825, and that Congress could not delegate to a State legislature the power to enact laws that could be enforced in a Federal court.

Then began new legislation upon this subject. Acts were passed from time to time as practical demonstration was afforded of the insufficiency of existing law and to meet the expanding operations of the Government as the scope of governmental agencies expanded with the increasing wealth and multiplied instrumentalities of administration.

A decision of the Supreme Court of the United States delivered in 1866 still further limited the scope of this provision to territory owned by the United States at the time of its passage, March 3, 1825.

But no revision of the laws was ever attempted until the revision of 1873, before alluded to. By this time the various sections under the title "Crimes" had reached the number of 229, covering many subjects unprovided for in the meager enactments of 1790 and 1825. Substantially all of these various sections were reenacted at the time of that revision; but, owing to the policy adopted by the committee of revision of 1873, which precluded the introduction of any new legislation, no new provisions were made at that time; but section 5391 was adopted, which was similar to the provision included in the act of March 3, 1825, being modified only to make it conform to the limitation imposed by the Supreme Court decision, namely, to acts then in force in the various States, and to subsequently acquired territory, and also providing that no subsequent repeal of the State laws should interfere with their enforcement by the United States court. The language of that section is as follows:

"If any offense be committed in any place which has been, or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for, by any law of the United States, such offense shall be liable to, and receive, the same punishment as the laws of the State in which such place is situated, now in force, provided for like offense when committed within the jurisdiction of such State; and no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States."

This section was practically reenacted on July 7, 1898, but with one important and serious omission—doubtless the result of oversight and hasty legislation—the omission of the provision subjecting to the jurisdiction of these laws territory acquired by the United States subsequent to its enactment, the result of which is that the protection to be afforded by this general provision incorporating State laws in the Federal statutes is not extended to any territory acquired by the Government since July 7, 1898.

As it was necessary that the Ten Commandments given to the children of Israel should be written on tables of stone in order that these chosen people of the Lord should have a clear and distinct statement of the commandments of the Almighty, that they should distinctly have before them for study and understanding in systematic order and convenient form the ten rules of law or commandments that must be obeyed and observed by them, so it is necessary that every civilization or nation should have a clear, concise statement of the laws that are to control and regulate the people of that nation. And that country that has the most perfect, simple, and convenient expression and form of its laws has attained the highest end for the guidance and direction of its people. I trust this Congress will take the time and devote the labor necessary to a full consideration and final passage of this bill.

Mr. SHERLEY. Mr. Chairman, I yield ten minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Chairman, the matter to which I desire to direct the attention of the committee is not exactly germane to the bill pending, though undoubtedly a vigorous enforcement of our criminal laws would probably have prevented some of the calamities which have recently befallen some of our great financial institutions.

We all know that for weeks the country has been in the throes of a most disastrous financial panic. It is not my purpose to discuss who is responsible for this panic, though one could easily give high Republican authority for the statement that the present Republican President, because of certain policies he has advocated, is directly responsible for the many calamities visited upon the country as the result of the panic. In fact, the senior Senator from Ohio has repeatedly charged that our Republican President is blamable for the financial panic which now afflicts the country. Yes, Mr. Chairman, there are numerous leaders, old-time leaders of the Republican party, many of whom are upon this floor, who secretly entertain and frequently express in private the same opinion.

But as I said, it is not my purpose to discuss the question as to who is responsible for the panic. Neither do I desire to discuss the causes of this panic, undoubtedly now on us, notwithstanding we have heard it asserted innumerable times here that a panic never occurred under a Republican Administration. What I now desire to bring to the attention of the committee and the country is the remedy proposed to alleviate the unfortunate condition which now presses upon our country. When the Congress convened everyone was interested to know what measures of relief would be brought forward by the dominant party to correct the trouble and prevent its recurrence. The Congress convened early in December, remained in session for a number of days, the time frittering away, and nothing was done. Notwithstanding the fact that on the first or second day of the session, I believe it was, the Committee on Banking and Currency was precipitately announced, the Congress adjourned for the holidays without bringing forward any suggestion of relief. The Congress reassembled the first day of the present week, and the country has been upon tiptoe of expectancy, awaiting the measures of relief, so sorely needed, to be suggested by the dominant party.

Day before yesterday the senior Senator from Rhode Island, Mr. ALDRICH, leader of the dominant party in the Senate, introduced the relief bill which I presume reflects the will of the Republican party upon this subject. The senior Senator from Texas, Mr. CULBERSON, the minority leader upon the floor of the Senate, introduced certain bills relating to banking and currency which reflect the views of a Democrat as to what should be enacted into law in order to avert the recurrence of financial panics.

It is a matter of the deepest concern to the people whether these measures will accomplish their intended purpose, and especially do they want to know whether the bills are in the interest of a particular class, a special class, or whether they are in the interest of all the people. Mr. Chairman, bearing on this point, I now send to the Clerk's desk and desire to have read a leading editorial which I have taken from a paper, one of the prominent newspapers of our country, a paper formerly of Democratic persuasion. As is well known, this paper maintains an editorial staff of able writers, and undoubtedly one of the ablest on the staff has considered these measures now brought forward by the Republican leader and the Democratic leader and treats of them in this editorial. In my opinion the editorial is well timed, and——

Mr. LITTLEFIELD. What paper is it?

Mr. BURLESON. The New York World. It was formerly a Democratic paper, but it is now an independent journal. I ask the Clerk to read.

The Clerk read as follows:

[New York World, Thursday, January 9, 1908.]

A GOOD BILL AND A BAD BILL.

The currency and banking bills of Senator CULBERSON and Senator ALDRICH represent divergent schools of economics, policy, and thought. The Culberson bills are very good and the Aldrich bill is bad.

The Aldrich bill would work mainly to the benefit of Wall street gamblers. It proposes that national banks may deposit certain securities with the Treasury and issue in bank notes 75 per cent of the market value of the collateral, in total amount up to $250,000,000, on payment of a monthly tax of one-half of 1 per cent.

No commercial bank which discounts the notes of merchants and manufacturers, and whose collateral is bills of lading of goods in transit and storage receipts for cotton, wheat, butter, and other commodities, can avail itself of this provision. Only Wall street call loans will be furthered.

Under this plan Edward H. Harriman, who tried to unload Chicago and Alton bonds on the savings banks of this State, could find a depository for them in the Treasury. Wall street promoters need only print bonds, lobby at Albany to get them on the list of securities permitted to savings banks, make a "market price" by wash sales, secure permission to deposit them in Washington, and issue in "money" 75 per cent of their artificial value. What a relief to gamblers who have paid as high as 200 per cent interest to issue their own money for one-half of 1 per cent a month!

Senator CULBERSON proposes exactly what The World on Tuesday recommended: That banks shall keep their legal reserves in their own vaults and shall not call a Wall street credit cash. The 6,000 small national banks may now deposit three-fifths of their cash reserve in Wall street banks. The use of this outside money for stock gambling brought about the crash in October. In November thousands of these small banks had to suspend paying their depositors' checks in money because the Wall street banks refused to cash New York drafts.

This provision of Senator CULBERSON'S bill which requires the banks in thousands of small towns to keep their money at home, out of the hands of the Wall street gamblers, would prevent or lessen such disaster to local trade and industry as resulted from the October collapse.

To meet the annual fall demand for money to move the crops, Senator CULBERSON proposes in a second bill to use the Government deposits, over $200,000,000 of which are now in national banks paying no interest. In April, May, June, and July these deposits would be charged 6 per cent interest; and depository banks would usually return the money to the Treasury. In August, September, October, and November the interest would be reduced to 2 per cent, and banks which desired money for moving crops would again apply for deposits. During December, January, February, and March the rate would be 4 per cent. This would give an elastic currency about equal for the present to that proposed by Senator ALDRICH.

Under Mr. ALDRICH'S scheme the elasticity would benefit the Wall street gamblers. Under Mr. CULBERSON'S the benefit would go to agricultural and manufacturing sections.

How devoid Mr. ALDRICH'S bill is of benefit to legitimate industry the comparison of the rate of interest with the usury laws of the States conclusively shows. By special legislation stock exchange call loans are outside the usury law.

The CHAIRMAN (Mr. TAYLOR of Ohio, interrupting the reading). The time of the gentleman from Texas has expired.

Mr. SHERLEY. I yield to the gentleman ten minutes more.

The CHAIRMAN. But the gentleman has no time to yield.

Mr. MOON of Pennsylvania. I will yield to the gentleman from Texas.

Mr. SHERLEY. But, Mr. Chairman, I had two hours.

Mr. BURLESON. I thank the gentleman from Kentucky, but that is of no importance now; the gentleman from Pennsylvania has yielded to me.

Mr. SHERLEY. But I desire that the matter of time shall be rightfully understood. There were four hours of general debate, two on a side.

The CHAIRMAN. The gentleman from Kentucky used within twenty minutes of one hour and he has yielded twenty minutes. There is no provision in the rule that the time is to be divided or controlled by any one. It says that there shall be four hours of general debate.

Mr. SHERLEY. I ask unanimous consent that the time be divided equally between the gentleman from Pennsylvania and myself.

Mr. PAYNE. Before that question is put I would like to know how much longer the gentleman from Texas wants to talk about something else besides the bill under consideration.

Mr. BURLESON. Oh, a few minutes longer; only long enough to direct through these editorials attention to the character of measures proposed, so as to enlist the interest of the Republican party in these measures now before the country. [Laughter.]

Mr. PAYNE. The gentleman from Texas knows that what he is saying is not germane to the bill, and under the rules of the House he is out of order. He is now asking for unanimous consent, and I ask him to put some limit to the time that he will use.

Mr. BURLESON. I am not asking for unanimous consent. The gentleman from Pennsylvania has very courteously yielded to me, as has also the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, it was understood—and the gentleman from Pennsylvania [Mr. MOON] will bear me out—that there should be four hours of debate, and it was so agreed by the Committee on Rules when the rule was brought in that it should be equally divided between the two sides. I now renew my request to carry out that understanding.

Mr. PAYNE. Unless I have an understanding from the gentleman from Texas I shall have to object.

Mr. SHERLEY. If the gentleman from New York desires to disregard the solemn agreement of the Committee on Rules, he is at liberty to do so.

Mr. PAYNE. The gentleman from New York has no delicacy about that. No two Members of the House can bind the House. The gentleman from Kentucky talks about "standing by the solemn agreement of the House." I do not intend to be bound by any such agreement.

Mr. BURLESON. Mr. Chairman, I feel sure that what I am saying is of interest to the whole country, especially to patriotic Republicans, and I do think that the gentleman from New York ought not to interpose objections.

Mr. PAYNE. Mr. Chairman, unless the gentleman will confine himself to some reasonable limit, I shall object—say half an hour.

Mr. BURLESON. Mr. Chairman, I do not expect to occupy but a few minutes more, if that will be any satisfaction to the gentleman. I want to have one more editorial read.

Mr. PAYNE. Will the gentleman confine himself to half an hour? I have no objection to that, but I want to get on with this bill.

Mr. BURLESON. A half hour—that is just about five times as much time as I want.

Mr. PAYNE. Very well, then. I ask, Mr. Chairman, that the gentleman have half an hour, to be taken out of the time of general debate.

Mr. SHERLEY. Mr. Chairman, I desire to renew my request, if it is in order.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the remaining two hours of time for general debate be divided equally between the gentleman from Pennsylvania [Mr. MOON] and the gentleman from Kentucky [Mr. SHERLEY]. Is there objection?

Mr. PAYNE. I object to that.

Mr. MOON of Pennsylvania. Mr. Chairman, I desire to say respecting that, that when I was spoken to about it that was the understanding between the gentleman from Kentucky [Mr. SHERLEY] and myself. The gentleman from Mississippi [Mr. WILLIAMS] came to me and asked me what my understanding was respecting the division of time. I told him I expected one-half would be controlled by the gentleman from Kentucky [Mr. SHERLEY] and one-half by myself. There was no permission asked of the House for that division of time, but that was my understanding.

Mr. BURLESON. Mr. Chairman, inasmuch as I am to be directly affected by this objection, I would like to have a word to say. In anticipation that some of the leaders of the Republican party might not be exactly pleased with what I intended to put into the RECORD——

Mr. PAYNE. Mr. Chairman——

Mr. BURLESON. I spoke to the chairman of the committee, the gentleman from Pennsylvania [Mr. MOON], who has charge of this bill, asking the gentleman if there would be any objection to me occupying five, ten, or perhaps fifteen minutes, and he replied, "None whatever." But for that assurance I would not have attempted to bring these matters to the attention of the committee.

Mr. DALZELL. Mr. Chairman, I want to say a word, so that there will be no misunderstanding about this. So far as the time is concerned, I think, of course, that it is perfectly fair that it should be divided between the two gentlemen, but the Committee on Rules did not pass on that question at all. The rule provides for four hours of general debate.

The CHAIRMAN. The Chair has that rule before him.

Mr. SHERLEY. The gentleman clearly understood, however, that it was to be divided equally, according to the custom of the House.

Mr. DALZELL. I presumed it would be. The House generally does that. What I want to get rid of is the idea that the Comimttee on Rules gave any assurance to anybody that it would be so divided.

Mr. SHERLEY. No further assurance than the fact that the four hours was the time fixed in the rule, and that was evidence of the fact that in accordance with the custom of the House it would be equally divided.

Mr. DALZELL. We so assumed, but we did not undertake to bind the House.

Mr. PAYNE. Mr. Chairman, there is no difficulty about this. Gentlemen come in here and seek to control half the time on each side, knowing that the rules of the House allow them only an hour. Of course it is competent for the chairman of the committee to recognize the gentleman from Texas [Mr.

BURLESON] if he chooses to do so for an hour. It is not competent for the gentleman from Texas to go on with his discourse without the unanimous consent of the committee, because it is clearly out of order under the rules. There is no difficulty about that. This attempt of gentlemen to come in here because they happen to be in charge of the bill and control the House about the time of debate is something unusual and has not been heard of until recently, and never can be done unless the House agrees to it by unanimous consent, and nobody knows that better than the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, I do not understand any such fact. I understand the rule fixed four hours for general debate, and I know, as the gentleman will agree with me, that it has been the immemorial custom of this House to divide the time for general debate between the two sides.

Mr. PAYNE. That is done by unanimous consent. I want to cite the gentleman to something very recent, so that he will remember it. He will recall that, upon the debate upon the President's message, the gentleman from Missouri [Mr. CLARK] wanted to control half the time, and he was allowed only one hour and nothing more.

Mr. BURLESON. Mr. Chairman, I would like to know if the time of this discussion is being taken out of my time.

Mr. PAYNE. But the gentleman from Texas hasn't got any time.

Mr. BURLESON. The gentleman from Pennsylvania [Mr. MOON] has yielded me time.

Mr. PAYNE. But the gentleman has no time to yield.

Mr. HEFLIN. Mr. Chairman, is there no way of determining whether the time can be equally divided? And I want to ask the gentleman from New York [Mr. PAYNE] why he allowed the gentleman from Kentucky to dispense with one hour of time without objection, and then the Chair to notify him that his time was out? How did the Chair know that the gentleman from Kentucky had only one hour? [Laughter.]

Mr. STAFFORD. Oh, read the rule.

Mr. HEFLIN. I thought that the gentleman from Kentucky [Mr. SHERLEY] had control of half of the time for the Democratic side.

The CHAIRMAN. Under the rules, as the Chair understands it, any gentleman recognized by the Chair has an hour. The gentleman from Kentucky [Mr. SHERLEY], reserving the balance of his time, yielded two other gentlemen ten minutes each. The Chair has ruled that the time of the gentleman from Kentucky, under the rules, has expired.

Mr. HEFLIN. Does the Chair now hold that the other three hours——

The CHAIRMAN. The Chair would now naturally recognize a gentleman on the majority side for an hour, and preferably a member of the committee, but if neither a Member on the majority side nor a member of the committee desires to take the floor——

Mr. BARTLETT of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of Georgia. Is it not proper under the rules of the House in general debate in the Committee of the Whole House on the state of the Union that a Member may address himself to other subjects than those in reference to the bill being discussed?

The CHAIRMAN. The Chair will say yes, if he is recognized and has time.

Mr. BARTLETT of Georgia. Then if the gentleman from Texas [Mr. BURLESON] is recognized and is yielded time by a gentleman who is recognized, it would be in accordance with the rule for him to discuss subjects not pertaining to the bill in general debate?

The CHAIRMAN. That condition does not exist at the present time.

Mr. BARTLETT of Georgia. I made that in reply to the suggestion of the gentleman from New York [Mr. PAYNE], that the gentleman's remarks in reference to the banking and currency question were out of order in general debate on this bill, and I merely wanted to inquire of the Chair whether or not the discussion of the bill being considered by the Committee of the Whole House on the state of the Union was not proper discussion? I understood the Chair to say that it was. Did I understand the Chair to answer my inquiry?

Mr. MACON. Mr. Chairman, I am the ranking minority Member upon this committee. I now ask recognition as such.

The CHAIRMAN. The Chair will grant the gentleman recognition if no member of the majority side of the committee desires recognition at this time. As no one has asked for recognition, the Chair recognizes the gentleman from Arkansas [Mr. MACON].

Mr. MACON. Mr. Chairman, I now yield to the gentleman from Texas [Mr. BURLESON].

Mr. PAYNE. Now the gentleman can proceed in order.

Mr. BURLESON. Having been fortified with recognition by the gentleman from Kentucky [Mr. SHERLEY], the gentleman from Pennsylvania [Mr. MOON], and the gentleman from Arkansas [Mr. MACON], I presume with the permission of the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from New York [Mr. PAYNE], I can now proceed.

Mr. PAYNE. "The gentleman from New York" is desirous of having the gentleman from Texas proceed with whatever he has to say.

Mr. BURLESON. I will ask that the Clerk proceed with the reading of the article.

The Clerk read as follows:

If the United States charged 6 per cent interest, how could commercial banks pay it and loan the money at 6 per cent to business customers? Yet 6 per cent is the legal interest on commercial loans in New York, Connecticut, Delaware, Kentucky, Maryland, New Hampshire, New Jersey, North Carolina, Pennsylvania, Tennessee, Vermont, Virginia, and West Virginia.

Senator Aldrich's bill should be entitled "An act to facilitate stock gambling." What the banks of the United States need is not more money, but more honesty and no gambling.

Mr. BURLESON. Mr. Chairman, that is an expression from one of the leading papers of the country, and, as I have stated, formerly a Democratic paper. I now——

Mr. PAYNE. May I ask the gentleman a question?

Mr. BURLESON. In one minute. I now send to the desk and ask to be read another editorial, and I feel sure that the distinguished gentleman from Pennsylvania [Mr. DALZELL] would not interpose any objection if he had known I was going to maintain the equilibrium by having also read an editorial from the leading paper of Pennsylvania, formerly a Republican paper, but now an independent journal.

I ask that the Clerk will now read.

Mr. PAYNE. May I ask the gentleman a question first?

Mr. BURLESON. Certainly.

Mr. PAYNE. I notice the gentleman said that the New York World had formerly been a Democratic paper, but now was an independent paper.

Mr. BURLESON. That is my understanding, sir.

Mr. PAYNE. I want to ask the gentleman if he read out of the Democratic party all papers and all former Democrats who have a sneaking notion that there may be more than one man in the Democratic party of sufficient character and ability to be a candidate for the Presidency at the next election?

Mr. BURLESON. Not by any means. On the contrary, it does not rest with me to read papers, daily or weekly, out of the Democratic party. No Democrat assumes such authority, but, on the contrary, as I understand it, there has been a disposition manifested by the old-time leaders of the Republican party, not only to read out of the Republican party papers that have approved the policies now advocated by the Republican President in the White House, but they have manifested a purpose in their next convention to read those Republicans out of the party who persist in approving these Democratic policies which Theodore Roosevelt has been advocating for more than two or three years. [Applause on Democratic side.]

Mr. PAYNE. To go back to the New York World, is not its leading offense in the mind of the gentleman that it proclaims daily and boldly that there are other gentlemen in the Democratic party than the one "peerless leader" who is competent and able and fit to be nominated by that party for the Presidency?

Mr. BURLESON. If it does do that, it states a fact as far as that is concerned. [Applause on the Democratic side.]

Mr. PAYNE. But why should the gentleman read it out of his party?

Mr. BURLESON. I am not attempting to read it out of my party. I have simply announced what I understand to be the policy of all self-respecting metropolitan journals, that they now maintain an attitude of independence, and it is only the thick-and-thin organs of the Republican party which now openly confess that they are partisan journals.

Mr. DALZELL. The gentleman from Texas has placed me in a position in which I did not place myself.

Mr. BURLESON. Well, I assure the gentleman I did not intend to do so.

Mr. DALZELL. I want to state to the gentleman that I make no objection to the gentleman from Texas occupying time. I simply rose to correct matters of misapprehension as to what was the action of the Committee on Rules. It was asserted that the Committee on Rules had agreed that the time should be equally divided.

Mr. BURLESON. Then I beg the gentleman's pardon.

Mr. DALZELL. I simply denied that, because the Committee

on Rules did not undertake to fix that at all, but left it to the House.

Mr. BURLESON. I beg the gentleman's pardon for my mistake. I thought he was doing as he usually does, cooperating with the majority leader in what he was attempting to do.

Mr. PAYNE. Now, if the gentleman——

Mr. BURLESON. I decline to yield for the present, until I have the other editorial read.

Mr. PAYNE. If the gentleman thinks that in accordance with his usual courtesy——

Mr. BURLESON. I ask the Clerk to now read from the Philadelphia North American.

The Clerk read as follows:

[The North American, Philadelphia, Thursday, January 8, 1908.]

REAL AND WRONG REMEDIES.

The difference between the three financial measures proposed by Senator CULBERSON, of Texas, and the currency bill of Senator ALDRICH is the difference between patriotism and Government patronage of a favored class in a favored community.

ALDRICH plans an issue of circulating notes by the Treasury to the banks, to be based on State, municipal, county, and railroad bonds. These notes, bearing the Government guaranty of redemption as lawful money, are to be taxed 6 per cent.

This provision, professedly, is to restrict the $250,000,000 issue to emergencies and force the natural retirement of the notes when the period of stringency passes.

In reality the purpose is to limit the inflation to the banks able to obtain a rate well above 6 per cent for their currency. In other words, to banks that cater to stock gamblers and not to business men, who, even in States where usury laws do not forbid loans above a specified interest figure, as they do in Pennsylvania, can not afford the call-loan rates habitual among the gamblers of Wall street.

So much for ALDRICH. What CULBERSON proposes is that banks shall be required to keep in their own vaults their legal reserves for the commercial uses of their own communities; that interest shall be charged for Government deposits at moderate rates, varying according to the seasons of demand for currency to move the crops; that there shall be inaugurated a system of insurance of deposits by the associated banks of the country, operating in conjunction with the Comptroller of the Currency, so that not a dollar's loss can come to anyone, but that confidence will be so strengthened that hoarding would not follow any sudden scare.

The best proof, in our opinion, that Senator CULBERSON has spoken the sentiment of the country while Senator ALDRICH was expressing the will of Wall street, lies in the conservatism of the Culberson bills and the remarkable fact that they conflict in no way with the proposed Aldrich law.

The mood of the nation is one of sober, temperate thought. There is no spirit of rancor or destructiveness or opposition to capital or the banking interests in any quarter. A nation of business men desires an installation of business methods. That is the whole story.

The aim of everyone is to prevent a recurrence of panic and dearth of currency. ALDRICH takes the Wall street view point and offers a scheme that will do nothing but enlarge the banking power without return to any of the legitimate business needs of the country.

CULBERSON presents bills built upon the lines of prevention of the sacrifice of industrial and commercial interests for the benefit of the stock gamblers of New York. They do not restrict in any way the banks from profitable use of their assets for proper purposes or limit the legitimate freedom to promote every form of business that makes for the well-being of the people of the country.

Mr. BURLESON. Mr. Chairman, these expressions of two leading newspapers of our country I commend to the careful consideration of the majority Members of this House. Already much dissatisfaction has manifested itself at the other end of this Capitol to the provisions of the Aldrich bill, as evidenced this morning in the CONGRESSIONAL RECORD by numerous amendments offered thereto by Republican Senators.

And, gentlemen of the majority party, permit me to remind you that you are still more directly responsible to the people. You are the direct representatives of the people, and will be amenable to the people for your action upon these measures in the fall election. [Applause on the Democratic side.] You will believe me when I assure you that I feel the deepest concern about the welfare of my friends upon the other side. I do not want to see you do yourselves hurt; scrutinize well this Aldrich bill, and I feel confident there will be found still more dissatisfaction upon the Republican side of the Chamber at this end of the Capitol with the Aldrich bill than has manifested itself at the other end, not because you are directly responsible to the people and they will get a lick at you in November, but, of course, because you are better posted upon these financial questions. [Applause.]

Mr. MACON. I yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS of Georgia. Mr. Chairman, I rise merely to explain why I voted against every proposition in connection with H. R. 7618, being a bill asking for the right to construct a dam across a certain stream, which was before the House this morning.

I opposed it because a certain construction of that bill seems to encroach upon States rights.

This bill was referred to this morning as the "dam bill."

I merely want to go on record as opposing this "dam bill" or any other bill that encroaches upon States rights. [Applause.]

Mr. MACON. Mr. Chairman, during the Fifty-ninth Congress, when the arrangement was made and the rule passed in this House authorizing a joint committee for the purpose of considering the work of the Commission on the Revision of the Laws during the recess I, being the ranking Democrat upon that committee, found that it was impossible for me to come back to Washington during the vacation and I yielded my place on the committee to the gentleman from Kentucky [Mr. SHERLEY]. For that reason I now yield forty-five minutes, the balance of my time remaining, to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, I shall not desire to use any of the time kindly yielded back to me by the gentleman from Arkansas, and unless the gentleman from Pennsylvania desires to use more time, I think we might proceed with the reading of the bill.

Mr. MOON of Pennsylvania. I move that we proceed to the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than $5,000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. I do so for the purpose of making an inquiry of the gentleman from Pennsylvania, chairman of this committee. I notice that the committee have added to section 5 and to other sections that follow, in italics, the words, "or in any place subject to the jurisdiction thereof."

I make this inquiry because these words appear all the way through this bill, in a number of places. I understand that this committee in defining the jurisdiction of the courts of the United States, and in defining crimes, have added to various sections of the law as it now stands upon the statute books, these words, "or in any place subject to the jurisdiction thereof."

Will the gentleman inform me or, rather, inform the committee what places that would embrace? The thing that troubles me is this: There are various places in the United States, for instance, places that are ceded to the United States by the States for the erection of public buildings, for the erection of forts, for the erection of arsenals, for the establishment of soldiers' homes and other places. Now, under Article I, paragraph 4, section 17 of the Constitution, provision is made that the United States shall have "exclusive jurisdiction" over certain places, docks, forts, arsenals, and such other places, the jurisdiction of which may be ceded by the States for the erection of necessary buildings. Now, I understand that this provision of the bill is for the purpose of covering places of that character. Is that true?

Mr. MOON of Pennsylvania. No; not this provision here. That is put in with the intention of covering Porto Rico, the Philippines, and places that have since been acquired. The language of existing law would not include them. Now, this topic is criminal correspondence with a foreign government, and we do not think a man ought to be enabled to escape punishment if the criminal correspondence is carried on from Porto Rico or the Philippines.

Mr. BARTLETT of Georgia. I do not think so, and I did not make the inquiry because I thought anybody ought to escape punishment, but if a man engages in any of these offenses denounced by this chapter 1 in a place over which the United States have jurisdiction, you do not mean to include forts, arsenals, and places like that mentioned in paragraph 17 of section 2 of the Constitution.

Mr. MOON of Pennsylvania. No; we do not have reference to that. That comes in a later provision, where we define that. This was simply to extend the protection of the Government to the punishment of crimes against its own existence to all places subject to its jurisdiction.

Mr. BARTLETT of Georgia. Is not a fort or an arsenal or a place of that sort subject to its jurisdiction?

Mr. MOON of Pennsylvania. This did not require to include that. That was already included in the general provision. We

included that language particularly to embrace the Philippine Islands and Porto Rico.

Mr. BARTLETT of Georgia. Then I will make my inquiry later, when we reach the other provision.

Mr. MOON of Pennsylvania. Yes. The gentleman will find that the language varies, and at times it is made to exclude certain things.

Mr. BARTLETT of Georgia. The reason I made the inquiry is that the Constitution, in the section I have referred to, uses the words "exclusive jurisdiction," and the words to which I refer do not—simply use the words "subject to the jurisdiction," etc.

Mr. MOON of Pennsylvania. That is not intended to refer to those sections, or to that kind of an offense.

Mr. CLARK of Missouri. Mr. Chairman, I should like to ask the gentleman a question. Is not the real reason why you use that language in that section the fact that Porto Rico and Guam and the Philippines occupy such an anomalous position with reference to the United States that nobody can define it?

Mr. MOON of Pennsylvania. We felt in a general way that they were subject to the jurisdiction of the United States, and that there ought to be protection against conspiracies there against the existence of the Government.

Mr. CLARK of Missouri. Subject to its jurisdiction in such a general way that you did not want to undertake the hazard of defining the relation that does exist. Is not that the fact?

Mr. MOON of Pennsylvania. That was not within the province of the committee at all.

The Clerk read as follows:

SEC. 6. If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000 or imprisoned not more than six years, or both.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word, for the purpose of making some observations respecting the policy of fixing a maximum penalty only for the various offenses defined in the bill. Under existing law, upon the subject contained in the section just read, there is a minimum as well as a maximum penalty. I understand the wisdom of the policy that vests in a court a large discretion in imposing penalties where convictions are had, but there are many offenses where criminal intent is a necessary ingredient and where I believe the safety of the public requires a minimum as well as a maximum penalty. I have run through this bill, and I think in almost every instance the maximum penalty only is prescribed. The penalty imposed will depend very much on the ideals and temper of the judge who is to determine it. A man in one jurisdiction may be fined a nominal sum and imprisoned for a nominal period for an offense, and one convicted in another jurisdiction of exactly the same offense may be fined a substantial amount or incarcerated for a considerable period. That, of course, in some measure may occur even though a minimum penalty was fixed, but I think there are offenses in which, as I said, the criminal intent is an ingredient, where the question ought not to be left entirely to the discretion of the court. Sometimes a court may abuse that discretion.

I remember not many months ago a case which, I think, occurred in the Federal court in the State of Nebraska, where a citizen of that State was convicted of fraud against the land laws of the country. My recollection is that the court simply imprisoned the defendant for a couple of hours, and permitted him to remain in the custody of the sheriff in the court room during that time. That judgment was criticized throughout the length and breadth of the land. The court doubtless had its own reason for rendering practically nugatory the verdict or conviction in the case.

Now, I want to call the attention of the committee to the question as to whether or not in many of these offenses, at least, there ought not to be a minimum penalty as well as a maximum. I notice in the section under consideration the existing law is changed by striking out the minimum penalty and the sentence or the judgment of the court may be practically nominal in the way of fine or imprisonment.

Mr. LITTLEFIELD. Let me inquire of the gentleman whether or not the committee have not adopted a uniform policy in that respect? I think they have.

Mr. MOON of Pennsylvania. I have so stated.

Mr. CRUMPACKER. I notice in one section where in an assault with an attempt to commit rape the penalty may be only a dollar. It seems to me in an offense of that gravity there ought to be a minimum penalty. I am submitting these views to the committee for its consideration as the sections are being read. The particular section under consideration I do not consider of so much importance except that it involves the policy of the entire new code—that of fixing a maximum penalty only. I suppose in a capital offense the committee fixes an absolute penalty with a minimum penalty. I hope, at least, they have. I have not examined it, but I hope in a capital offense the penalty is not absolutely and altogether at the discretion of the court. I allude to what we call capital offenses. I now withdraw my pro forma amendment.

The Clerk read as follows:

SEC. 19. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the section. I understand that this section is a codification of section 5519 of the Revised Statutes of the United States.

Mr. SHERLEY. No; it is not. It is the exact language of section 5508 of the Statutes. It does not relate to what the gentleman has in mind. It is a different section.

Mr. LITTLEFIELD. The section the gentleman from Georgia has in mind has been held unconstitutional. This section has been sustained repeatedly, and I want to offer an amendment which will enlarge or increase its application.

Mr. BARTLETT of Georgia. I know it has and have the case before me. This is a part of the act of 1872.

Mr. SHERLEY. Yes; but the gentleman will find that section 5508 was upheld in at least a dozen different cases.

Mr. BARTLETT of Georgia. Does the gentleman recall the Cruikshank case and the Reeves case? In both of those cases the convictions were not sustained by the Supreme Court of the United States.

Mr. SHERLEY. I understand they were reversed, but the gentleman will find that in the Cruikshank case and in the case of ex parte Yarboro the Supreme Court upheld section 5508. I am somewhat familiar with that section, because I argued the matter in the Supreme Court, and I know the section is constitutional.

Mr. BARTLETT of Georgia. If it is a compilation of section 5519, it is not.

Mr. SHERLEY. But it is word for word section 5508 of the Revised Statutes.

Mr. BARTLETT of Georgia. I have no doubt the gentleman is correct and I merely rose for the purpose of making inquiry, knowing that the sections were not identical, but if this was a codification of section 5519 it would not be proper to incorporate a section which had been declared unconstitutional by the Supreme Court.

Mr. SHERLEY. We have not, and if the gentleman will get the copy of the bill—if he has not it before him——

Mr. BARTLETT of Georgia. I have it here.

Mr. SHERLEY. If the gentleman will permit me, if he will get the second part of the report, instead of the bill, he will then find the bill printed on one page and the existing law on the opposite page, and he can at a glance see that this section is merely a reenactment of section 5508.

Mr. MOON of Pennsylvania. I might say, further, that the gentleman will find by reference to the report on the last page that section 5519 is omitted and thrown out as unconstitutional.

Mr. BARTLETT of Georgia. Well, I had not had the opportunity to investigate it that far. I desire to say that I had not had opportunity to give this matter the thorough investigation that I know the gentleman from Pennsylvania [Mr. MOON] and the gentleman from Kentucky [Mr. SHERLEY] have, and being familiar with some of these cases and familiar with those he has referred to I was of the opinion, as I have already stated, that this was a codification of section 5519. I may have no motion to make with reference to it. I was in hopes that this section would go out, being the result of legislation passed in 1872. However, if this committee has seen fit to let it remain, and believing that a motion to strike it out might be futile, I may not make the motion. I do not think under the decisions that have been made that this law ought to now remain on the statute books.

Mr. SHERLEY. If the gentleman will permit a suggestion, it is true that this section was originally passed as a part of the civil-rights act, and had in view simply dealing with situations then supposed to exist in the South.

Mr. BARTLETT of Georgia. Yes.

Mr. SHERLEY. But it is also true that since then the section has been used for many many other matters and is now

of great importance, not because of the original purpose of the act, the cause for which has long passed away, but because it enables the Federal Government to protect citizens in their rights other than those relating to the franchise.

Mr. BARTLETT of Georgia. I understand that, and I have had experience as a lawyer in cases where it has been used for other purpose than to protect the citizen in his right of the franchise. I can recall one case that I might call to the attention of this committee, where the parties were convicted at a time when there was not the right to appeal, parties convicted under this section, and one of them was pardoned by President McKinley on the recommendation of Attorney-General Griggs, because he had not been properly tried, and because the evidence did not justify his conviction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. I ask unanimous consent that I may be permitted to continue for one minute more.

The CHAIRMAN. The gentleman asks unanimous consent to speak for one minute. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. I have seen it used for different purposes than that for which it was intended; and it is because of the experience I have had as a lawyer in seeing it used for purposes for which it was not intended it should be used that I proposed to make the motion to strike it out. I do not desire to do anything in reference to this bill that will not meet the approval of my friend from Kentucky, because he has given the matter much more careful attention than I have or than I could, as I am not on the committee which reported this bill. Still I do not desire to let this section pass without saying that, for one, knowing the injustice and the wrongs that have been perpetrated under the use of it, I at least protest against its remaining longer upon the statute books. It has served all the purposes it was intended to serve and is seldom used now, except to harass and annoy the citizen, and to drag into the United States courts citizens who should be tried in the State courts.

Mr. LITTLEFIELD. Mr. Chairman, I move to amend by inserting after the word "citizen," in the second line of section 19, the words "or person."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 5, after the word "citizen," insert "or person."

Mr. LITTLEFIELD. I have just a word to say in relation to that, Mr. Chairman. We have before the Committee on the Judiciary a bill, introduced by the gentleman from Kentucky [Mr. SHERLEY], who is now in charge of this bill on one side of the House, practically covering this amendment. As the law stands to-day under this statute, a citizen of the United States gets the protection of its provisions, but the alien who may be domiciled therein and living here, receiving the protection of all other laws, under the decision of the Supreme Court of the United States does not get the protection of this statute. And already the failure of this legislation to apply so as to protect foreign people who are living here and who are domiciled here has given rise to very grave and very embarrassing international complications. It has tended to a very large extent to embarrass the Federal Government. There is no reason why an alien living in this country and behaving himself and obeying the law should not receive the protection of all of the criminal statutes the same as any citizen does. As I say, the courts have held in at least one important case that this section does not apply to and give protection to an alien.

Mr. CRUMPACKER. Will the gentleman allow me to suggest that during the administration of President Harrison he called the attention of Congress to the lack of protection of aliens in the penal laws of the United States, and requested some legislation along that line? Many aliens are here under provisions of treaties.

Mr. LITTLEFIELD. Certainly.

Mr. CRUMPACKER. And we are bound by the custom——

Mr. LITTLEFIELD. By international law——

Mr. CRUMPACKER. By international law to afford them a certain amount of protection, and when the Federal statutes are examined it is discovered that there is almost a total absence of safeguards for the protection of aliens who are rightfully and properly here, and I am in thorough sympathy with the gentleman's amendment. I think other legislation along that line ought to be enacted, of a broader nature, in order that we may more fully perform our international obligations in pursuance of treaty arrangements.

Mr. LITTLEFIELD. I agree entirely with the suggestions of the gentleman from Indiana, but while this general code is going through there is no reason why aliens should not receive the benefit of all these provisions.

Mr. DRISCOLL. As it is now, would it include children and women?

Mr. LITTLEFIELD. It would if they were citizens, not if they were aliens. It includes citizens, no matter what their sex or age. But it does not include aliens.

Mr. WEBB. I would like to ask the gentleman if he does not think it wise, in order to perfect his idea, to insert after the word "laws," in the last line, the words "or treaties."

Mr. LITTLEFIELD. I have discussed this somewhat with the gentlemen on the committee, and this section has received on repeated occasions a construction by the Supreme Court of the United States, and the committee—I do not know that I have a right to state the position—did not feel justified in making any profound changes in the structural character of the section, as they did not know what the result might be so far as the decisions of the court in the future are concerned.

Mr. SHERLEY. If the gentleman will permit, in further answer to the gentleman from North Carolina [Mr. WEBB], the Supreme Court has repeatedly held that the word "laws" included "treaties."

Mr. WEBB. Does the gentleman think they would do so under this section?

Mr. SHERLEY. Unquestionably. And I will in my own time read the gentleman a decision of the Supreme Court directly bearing upon this, in relation to the violation of treaty rights.

Mr. WEBB. I do not know that that would be so held when you came to put in a new class of citizenship—aliens, for instance.

Mr. LITTLEFIELD. You do not put in a new class of citizens. It does extend to all persons within the jurisdiction of the United States.

Mr. WEBB. And those persons you have mentioned have not the same rights under the Constitution and laws that the citizen has?

Mr. LITTLEFIELD. The court has held that under the language of this specific section the alien is not entitled to the protection given to the citizen.

Mr. WEBB. I understand that. Does the gentleman think the words "constitutional laws" would include treaties we make with foreign countries?

Mr. LITTLEFIELD. On the statement of the gentleman from Kentucky [Mr. SHERLEY]——

Mr. WEBB. I mean in this section.

Mr. LITTLEFIELD. On the statement of the gentleman from Kentucky, I will say very frankly that I have not myself examined that with care, but I would not hesitate to take the statement of the gentleman from Kentucky. I know him to be a very able lawyer. But I have not personally examined that with care, so I would not like to give an opinion upon it. But with his opinion I am willing to rest, so far as I am concerned, on that particular section.

Mr. WEBB. I believe I am satisfied if he is.

Mr. WATKINS. Mr. Chairman, the bill which we now have under consideration is not a bill providing new law, but the codification and revision of all the laws already in existence. If the Committee on the Judiciary already has a bill providing for an amendment to be made in such form as to cover the idea incorporated in the remarks of the gentlemen who have just preceded me, it is very well for that amendment to be made by that committee after due deliberation and careful consideration. If we are now to enact new laws and make interlineations, we will be interminable in the consideration of the bill before the House. I insist, Mr. Chairman, that so far as practicable we confine ourselves to the question which is immediately before us—that is, the revision and the codification of the laws already extant.

Mr. DE ARMOND. Mr. Chairman, I doubt very much whether the original section should be extended by the incorporation of the words suggested by the amendment of the gentleman from Maine [Mr. LITTLEFIELD]. I doubt very much whether this section ought to remain in our code of laws. We all understand how it came into the law, and the purpose it was intended to serve, and we all understand something of the evils that followed its enactment. I know that there may be cases where this might be a beneficial enactment, but the danger that it will be abused and that far more harm will be done by its existence than could result on account of its absence persuades me that the provision itself ought to go out of the code. The penalty imposed is very severe, the offense very poorly and very vaguely defined. Nobody can tell how serious the interference may be with the rights of particular citizens or persons denounced under this statute. It is possible for any grand jury or any prosecuting officer under this provision to formulate a charge against anybody for almost anything.

Now, the provision might not be abused, perhaps, for a considerable length of time, and in some sections of the country perhaps it will not be, but there may come a time, soon or late; there may appear somewhere a condition out of which will come great abuses from such provisions as this. Abuses may come from political prejudice, may come from labor disturbances, may come out of anything which causes prejudice to prevail, causes one class of people to be arrayed against another, may come from very little cause, or practically without cause. At such times, times favorable for the abuse of this power, it is only necessary for somebody to have the will to institute a prosecution against almost anybody for almost anything.

When you extend the provision beyond its present limits, embracing citizens of our country for their protection, and take in all who may be here though not citizens, not merely sojourners, but those who come here and remain a long time, enjoying nearly all the advantages of the citizen and escaping much of the burdens of citizenship, you go far indeed. My own judgment is that instead of amending the provision it ought to be entirely eliminated.

I believe it is a good thing not to have too much criminal law, not to have too many provisions aimed at the citizen, not to make dragnets that may be used here and there and everywhere. It is a serious thing to be charged with an offense of this strange, marvelous, far-spreading character. It means that a man may be caused to expend a large amount of money in his defense, although he has been guilty of no offense, and be put to a great deal of inconvenience and may suffer a great deal of hardship from vague charges of shadowy, imaginary wrongdoing. It is one of those provisions of law that may be used by the powerful to oppress the weak; that may be used by the vicious for the undoing of those who are not intentionally bad and who do not really inflict any injury upon anybody. I believe the law would be better if the committee were to strike out the section, and I shall, after this amendment is voted upon, move to strike it out.

Mr. LITTLEFIELD. I just want to call the attention of the gentleman from Missouri to the fact that the statute as it stands to-day, and the persons against whom it is aimed, against whom it pronounces penalties, are not confined to citizens. The statute covers persons, everybody, aliens and citizens alike. It only fails to protect aliens. It prohibits everybody from committing the offense, but only protects the citizen. So that the people against whom it applies include all persons, but it fails to give to aliens the protection that it gives to citizens.

Mr. SHERLEY. The amendment offered by the gentleman from Maine is in exact accordance with a bill introduced by myself and now pending before the Judiciary Committee. For the reason so well stated by the gentleman from Louisiana I did not undertake to have it embodied in the report of this Commission. Being a member of that committee, I did not want any desire of mine for new legislation to result in a departure by the committee from its rule of holding fast to existing law; so that I did not in committee and shall not now urge the adoption of the amendment offered by the gentleman from Maine. But with the indulgence of the House I shall state the reasons for the bill, as the matter has come up, and shall then briefly reply to the remarks of the gentleman from Missouri as to the need of repealing the section as it now stands.

In the case of Baldwin *v.* Frank, in 120 United States, a case came before the Supreme Court by certification from the circuit court as to certain questions involved in the construction of this section 5508. There had been a writ of habeas corpus sued out by the plaintiff asking to be dismissed from the custody of the marshal of the Federal court, on the ground that the section under which he was held was not applicable to the facts stated against him.

Those facts were that Baldwin was held in custody by the marshal under a warrant issued by the commissioner of the circuit court on a charge of conspiracy with others to deprive Sing Lee and others, Chinese aliens, of the equal protection of the laws and of equal privileges and immunities under the laws. When the case came before the Supreme Court, that court expressly held that Congress would have the power to provide for the punishment of offenses against aliens, but that Congress had not so provided, and that the word "citizen" in section 5508 was used in the special sense of "citizen of the United States," and that therefore there was no statute law to punish conspiracy against an alien. Now, the need of such a law is, to my mind, very great, for I rest the whole case upon this fundamental proposition, that where there is responsibility there ought to be power. Let a situation arise to-morrow in which a subject of a foreign country is injured in America by the citizen of some particular State, and that foreign country looks not to that particular State, but to the United States of America, for redress, and the United States can not answer with any degree of credit by saying, "We are sorry this happened, but we have no control over these matters. You will have to see the State of Kentucky," or the State of Louisiana, or Missouri, or California, as the case may be.

Now, this is not merely prophecy; it is history. That is actually what did occur when we had the trouble in Louisiana, growing out of the Mafia, when citizens there committed acts of violence against citizens of Italy. Italy brought a claim against the United States; and although the United States answered, saying, "We have no power to punish these people," yet the United States Government did pay a money indemnity to the families of the men who were killed.

Mr. BARTLETT of Georgia. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SHERLEY. For a question.

Mr. BARTLETT of Georgia. Is it not true that the United States Government is compelled to answer that it has no power to punish offenses committed in a State, because the Congress of the United States has no right to enact a law making it a crime for a citizen in a State to assault an alien, any more than it has a right to make it a crime to assault a citizen?

Mr. SHERLEY. No, sir; and I do not base that answer on my own opinion. I base it on the opinion of the Supreme Court in the case of Baldwin *v.* Frank, 120 United States, and the gentleman is too good a lawyer to read that case and then put his question again to me.

Mr. BARTLETT of Georgia. I have read that case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent that I may continue for ten minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may continue for ten minutes. Is there objection?

There was no objection.

Mr. SHERLEY. I do not mean to contend that the National Government can take jurisdiction of all sorts of offenses committed in the States. Gentlemen who know my position know that I have argued against any such construction. Last session I took occasion to define the limitation under the treaty-making power. But it is manifest that to the extent that we can confer rights upon an alien under a treaty we can protect the alien in those rights and punish violations of them; and we not only can, but we ought to, or we will again find this country in a position of humiliation by virtue of the lack of law on the statute books enabling the National Government to uphold its obligations to a foreign country. For that reason I introduced a bill and shall press it before the Committee on the Judiciary. It is a bill that has been requested by several different Presidents of the United States, and the conditions that have recently occurred in this country are sufficient to show the gravity of the situation and the danger of a condition arising when the National Government will be unable to punish those citizens who violate the rights of aliens.

Now, the committee will notice that the wording of that act does not in any way undertake to define what rights can be conferred upon aliens. I should not undertake such a task. The act provides that "if two or more persons conspire to injure, oppress, threaten, or intimidate any person in the free exercise of a right guaranteed him by the Constitution and laws of the United States, they shall be punished," etc. It does not apply to wrongful acts of an individual, because they would generally be too insignificant and unimportant for the National Government to take cognizance of; but if two or more persons conspire to threaten or intimidate an alien in the rights guaranteed by the Constitution and the laws of the United States, they shall be punished; and they ought to be punished by the power that guarantees the right.

Now, in answer to the remarks by the gentleman from Missouri in regard to the repeal of the whole section I wish to say that I certainly have no love for a general dragnet criminal law. There are many proper criticisms such as those made by the distinguished gentleman to this section, and its early history and some of the abuses growing out of an attempt to make it apply to situations existing in the Southland would in no sense make me a special lover or advocate of this particular law; but if the gentleman will take the decisions in recent years, he will find that this section has served a very great purpose, in cases not relating to the elective franchise, but in cases involving homestead rights, and in other cases relating to matters altogether foreign to the original purpose of the act; and the committee did not feel that it had the right to suggest the repeal of a law of as wide applicability and established constitutionality as this law. There are at least twenty cases decided by the Supreme Court of the United States dealing directly with that

section. There have been many persons punished under it, and it is to-day a great safeguard. If it should be repealed, we would have to immediately enact many special sections to cover the gap that would be made in the law by its repeal. It may be suggested that we ought to go into a detailed enactment of specific offenses, and generally speaking that is true; a citizen ought to know directly what he is charged with, what is his offense. But, after all, the ingenuity of man can not make such specific provisions as to cover all cases, and it is proper that we should have a general law, hedged around as this is by certain provisions, that will cover cases of magnitude that are overlooked. There must be proof of a conspiracy; there must be a conspiracy to intimidate, etc., and in my judgment these words should be so construed as to relate to physical violence against the individual, and not simply to injury in the way of interference. With these restrictions upon it the statute is not as dangerous as stated. Then, after all, if you are going to repeal statutes on the basis that they may be used for oppression, we will have nothing left on the statute book.

The whole theory of government rests, and must rest, in a belief in the integrity of your courts and in the integrity of your juries. Without that belief we are not justified in legislating anything. With that belief we are justified in keeping this section upon the statute books. I shall not urge the adoption of the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD]. I think, perhaps, it would be better that that sort of amendments creating new laws should not come into this bill, but I shall strongly urge the committee to retain the section.

Mr. CLARK of Missouri. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SHERLEY. Yes.

Mr. CLARK of Missouri. I see that all through these laws, so far as we have got, they define in a general way the punishment. They shall be fined not more than $5,000 and imprisoned not more than ten years, and so on. What I want to ask is this: In that case the punishment could run down to, say, an hour in prison or a fine of $1. Does it mean imprisonment in the penitentiary in these statutes or imprisonment in the jail? Then I want to couple with that another question. If it is imprisonment in jail, it is not a felony. If it is imprisonment in the penitentiary, it is a felony.

Mr. SHERLEY. If the gentleman will permit, we have a provision in the bill which provides that where the punishment may be imprisonment for a longer period than a year it shall be a felony, and in other cases it shall be simply a misdemeanor.

Mr. CLARK of Missouri. Oh, that is a general provision, then?

Mr. SHERLEY. Yes. Now, in regard to the gentleman's inquiry as to minimum punishments, it is in line with suggestions earlier made by the gentleman from Indiana [Mr. CRUMPACKER]. It was urged by the gentleman from Indiana [Mr. CRUMPACKER] that it was unwise in certain cases to dispense with minimum punishments because there might be a failure of justice, as occurred in the Nebraska case, when a judge imposed a trifling fine and imprisonment of a few hours for a very grave offense. The answer to that is this: That while that is a danger, yet, on the other hand, there is no character of offense that may not present a case where a man is technically guilty and yet where his moral guilt is very slight. If you have a minimum punishment of any size, two things are liable to result, either a failure on the part of the jury to convict because they believe the minimum punishment carries a greater punishment than the offense warrants or a conviction and a punishment beyond the crime.

Mr. CLARK of Missouri. I thoroughly agree with the gentleman from Kentucky about the minimum punishment rather than with the gentleman from Indiana [Mr. CRUMPACKER]. I think the discretion ought to be very large. I want to ask the gentleman from Kentucky another question. There are two penalties provided in this section for the same crime. One of them is that those convicted shall be fined not more than $5,000 and imprisoned not more than ten years, and the second one is, and it is not alternate, "and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States." The question I want to ask is this: Is not that second punishment entirely out of all proportion to any crime that a man is liable to commit under this section?

Mr. SHERLEY. I think that it is frequently out of all proportion to the crime punished under the section. It is not always so. There can be offenses under this section of the highest gravity. If the gentelman will bear with me, the reason that was put in——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I want to have only five minutes more. I move to strike out the last word.

Mr. SHERLEY. The reason that provision was put into the general law—and the gentleman will notice we are simply enacting the existing law—was because the section as originally drawn looked particularly to a certain class of offenses, and those were offenses against the freedmen. They were attempts under this act to punish what were alleged as wrongs by the Southern States against the rights of the negro. As the result of that, there was put there the added penalty that a man should forfeit his right to hold office. For my part, I should be very glad to see that latter punishment abolished, certainly to see it put in so as to leave it discretionary with the court, because it is true that there may be punishment under this section now for an offense not of sufficient magnitude to carry with it disfranchisement.

The committee did not feel, however, that in dealing with a section of this kind, with the amount of controversy that had raged around it and around the subject that it was meant to deal with, that they could wisely afford to amend it, and we brought it in exactly as it is for the consideration of this committee.

Mr. CLARK of Missouri. I do not criticise the position of the committee. I would like to have five minutes of my own, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] has three minutes left of the time which is already granted him.

Mr. CLARK of Missouri. That will be plenty. Mr. Chairman and gentlemen, when the committee disposes of the amendment of the gentleman from Maine [Mr. LITTLEFIELD], and if it votes down the amendment that my colleague from Missouri [Mr. DE ARMOND] indicated he would offer—to strike it all out—I intend to offer an amendment to strike out all after the word "years," in line 13. I am in favor of striking that whole section out, but if I can not get that out I am especially in favor of striking that part of it out which provides the second penalty. As to this section, it is difficult to understand exactly what is intended, unless we go back and look at it in the light of the circumstances, as the gentleman from Kentucky [Mr. SHERLEY] suggests, thirty-five years ago; but this second penalty, of which I am complaining, is a severer penalty than generally attaches to felonies committed in this country. For instance, in Missouri, and I suppose it is the same in every other State, if a man is convicted of a felony and sent to the penitentiary, no matter what the felony is, with imprisonment from life down to two years, the governor can, in his discretion, issue a pardon to the convict, restoring to him his rights as a citizen. But in this statute the punishment that may be inflicted is greater than is inflicted for any crime nearly, except where a man is removed from office by impeachment for high crimes and misdemeanors.

Mr. MADDEN. Will the gentleman allow me to ask him a question there?

Mr. CLARK of Missouri. Yes.

Mr. MADDEN. Would it not be possible for the President to do the same thing in this case as the governor in the case to which he has referred?

Mr. CLARK of Missouri. I do not know; but I propose to leave it so that he has the right to exercise that discretion. Suppose there were two boys, 18 or 19 years old, who had taken into their heads that some citizen should not do a certain thing, no matter what it is, that he has a right to do—namely, to vote, to work, we will say. They are young boys, playing a prank, and they do not hurt the man at all. They simply undertake to scare him. They threaten him a little. The boys are convicted in court, and not only fined and imprisoned, but are also deprived forever of the privilege of either voting or holding an office. The punishment is out of all proportion to the crime committed, and the whole thing ought to go out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Chairman, I want to add just one word. I appreciate the suggestions of the committee in relation to preserving intact the report they have made here and not subjecting it to amendment. But as to this particular amendment, the wisdom and necessity for it, as it seems to me, must be absolutely obvious; so that if this code becomes a law, the very first thing that is necessary to do is to have another statute amending it. Inasmuch as the committee agree that the amendment is really necessary, the change ought to be

made. Why enact a statute and lay the foundation for another statute to come later? That is the only suggestion I have to make. It seems to me the amendment ought to be adopted.

Mr. MOON of Pennsylvania. Mr. Chairman, the question that is raised before us in the consideration of this amendment is an attempt to change before the House the provisions of a fundamental law without consideration by the committee. It was a principle adopted by this committee to consider carefully everything of that kind proposed and to act with extreme conservatism. Now, while the arguments presented here by the gentleman from Kentucky [Mr. SHERLEY] are persuasive, while they seem to be controlling, it seems to me to be the better policy to let that bill go before the committee, where it can be carefully considered and many of the objections urged by gentlemen on the other side pointed out and argued. I therefore, on behalf of the committee, shall oppose the amendment and ask the House to vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine.

Mr. LITTLEFIELD. Division, Mr. Chairman.

The committee divided; and there were—ayes 10, noes 32.

So the amendment was rejected.

The CHAIRMAN. The question is now upon the amendment offered by the gentleman from Georgia, striking out the section.

Mr. DE ARMOND. My colleague [Mr. SMITH of Missouri] desires to offer an amendment perfecting the text.

Mr. MOON of Pennsylvania. If the gentleman will pardon me, I move that the committee do now rise.

Mr. DE ARMOND. The gentleman is about to offer an amendment to the text, and if it is read it will go over.

The Clerk read as follows:

Amend section 19 by adding at the end of section the following:

Provided, That nothing in this section shall embrace agreements made by labor or trade unions that result in or effect the declaring of a strike, or boycott has been declared, in a peaceable manner to induce other men from entering into the employment of any company or corporation against which the strike or boycott has been declared, even though such company or corporation be injured thereby in its property rights.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BURLESON. Division!

The committee divided; and there were—ayes 27, noes 28.

Mr. PAYNE. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from New York demands tellers.

The question was taken; and tellers were ordered.

The CHAIRMAN. The Chair will appoint the gentleman from New York [Mr. PAYNE] and the gentleman from Texas [Mr. BURLESON] to act as tellers.

Mr. WEBB. A parliamentary inquiry. Is the gentleman from Texas eligible to serve as a teller, when he voted for that side?

The CHAIRMAN. The gentleman from Texas called for a division.

The committee divided; and tellers reported—ayes 38, noes 35.

So the committee determined to rise.

The committee accordingly rose, the Speaker having resumed the chair, and Mr. TAYLOR of Ohio, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11701 and had come to no resolution thereon.

Mr. MOON of Pennsylvania. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the vice-president of the Chesapeake and Potomac Telephone Company, transmitting the report of the company for the year 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from Hamilton, Colbert, Yerkes & Hamilton, transmitting the annual report of the Georgetown Barge, Dock, Elevator and Railway Company for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor, submitting an estimate of appropriation for additional aids to navigation in the Potomac River—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the findings in the investigation of the collision between the steamer *Larchmont* and the schooner *Harry Knowlton*, in Block Island Sound, on February 11, 1907—to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Fortune*, William Hubbard, master—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with recommendation, a draft of a bill to prevent injudicious alienation of their lands by Indians of the Stockbridge-Munsee tribe—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SCOTT, from the Committee on Agriculture, to which was referred the joint resolution of the House (H. J. Res. 88) to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry, reported the same without amendment, accompanied by a report (No. 28), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Pennsylvania, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 7694) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 33), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 6231) to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district, reported the same without amendment, accompanied by a report (No. 27), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7606) to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905, reported the same without amendment, accompanied by a report (No. 29), which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9087) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, reported the same with amendment, accompanied by a report (No. 30), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10506) to bridge Colorado River, reported the same with amendment, accompanied by a report (No. 31), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 2952) for the relief of Chaplain Henry Swift, Thirteenth Infantry, United States Army—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 5315) granting a pension to Heziah C. Woods—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12308) granting an increase of pension to Catherine L. Benteen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12391) restoring the name of Henry L. Beck to the army rolls as captain and providing that he then be placed on the retired list—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5321) granting an increase of pension to William S. O'Brien—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7952) granting a pension to Thurlow W. Lieurance—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12550) granting a pension to Charles E. Strother—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12551) granting a pension to Will P. Hall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 13077) to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association at Franklin, Tenn.—to the Committee on Military Affairs.

By Mr. HALL: A bill (H. R. 13078) to adjust and pay the claim of the Pillager band of Chippewa Indians, in Minnesota, for additional compensation for land ceded to the United States by the treaty of August 21, 1847, and for other purposes—to the Committee on Indian Affairs.

By Mr. BENNET of New York: A bill (H. R. 13079) to amend section 21 of the immigration law—to the Committee on Immigration and Naturalization.

By Mr. HULL of Tennessee: A bill (H. R. 13080) for the erection of a public building at Dayton, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. POLLARD: A bill (H. R. 13081) to give true military status to State troops that participated in the civil war—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 13082) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes—to the Committee on the Judiciary.

By Mr. WALLACE: A bill (H. R. 13083) to regulate the auditing and settlement of shippers' claims against railroads engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: A bill (H. R. 13084) to authorize and direct the Secretary of Commerce and Labor to investigate and report the affairs of corporations owning or operating street railroads, electric light or power plants, gas plants, or telephone systems or exchanges in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 13085) regulating the fare and manner of giving transfers on street railroads in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 13086) to amend an act entitled "An act to regulate commerce," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON: A bill (H. R. 13087) appropriating $100,000 for the improvement and maintenance of the Saline River in Arkansas—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13088) appropriating $100,000 for the improvement and maintenance of the Ouachita River above Camden, Ark.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13089) appropriating the sum of $1,000,000 for the improvement and maintenance of the Arkansas River—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13090) appropriating $500,000 for the construction and operation of two dredge boats to be used in dredging the Arkansas River—to the Committee on Rivers and Harbors.

By Mr. POWERS: A bill (H. R. 13091) establishing a life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, in the State of Maine—to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: A bill (H. R. 13092) for the establishment of a light-house and fog-signal station at Punta Gorda, on the coast of California—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 13093) authorizing the Secretary of the Treasury to increase the compensation of inspectors of customs at the district of San Francisco—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: A bill (H. R. 13094) to refund the cotton tax realized to the Government under the various acts of Congress—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 13095) to authorize the purchase of buildings for the United States legations to Great Britain, France, and Germany—to the Committee on Foreign Affairs.

By Mr. SMITH of Arizona: A bill (H. R. 13096) to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz.—to the Committee on Indian Affairs.

Also, a bill (H. R. 13097) to enable the city of Phoenix, in Maricopa County, Ariz., to issue bonds of said municipality for the purpose of funding its floating indebtedness incurred prior to July 1, 1906—to the Committee on the Territories.

By Mr. MILLER: A bill (H. R. 13098) to create a Tariff Commission—to the Committee on Ways and Means.

By Mr. McLACHLAN of California: A bill (H. R. 13099) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes—to the Committee on the Public Lands.

By Mr. BEDE: A bill (H. R. 13100) for relief of certain settlers on public lands—to the Committee on the Public Lands.

By Mr. SMITH of Arizona: A bill (H. R. 13101) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water system, and for other purposes—to the Committee on the Territories.

By Mr. HEFLIN: A bill (H. R. 13102) to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. WEBB: A bill (H. R. 13103) to prohibit the shipping of liquor from one State into prohibition territory of another—to the Committee on the Judiciary.

By Mr. BARCLAY: A bill (H. R. 13104) to provide for the erection of a public building at Dubois, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 13105) to increase the limit of cost for the acquisition of a site and the erection of a public building thereon at Washington, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. HAMLIN: Resolution (H. Res. 133) requesting the Secretary of State to furnish the House with a statement of moneys expended through the State Department during the last fiscal year, and so forth—to the Committee on Expenditures in the State Department.

By Mr. HULL of Tennessee: Resolution (H. Res. 134) concerning the wisdom of permitting contributions to campaign funds—to the Committee on Rules.

By Mr. POLLARD: Resolution (H. Res. 135) creating a messenger in charge of telephones on the floor of the House—to the Committee on Accounts.

By Mr. HULL of Tennessee: Resolution (H. Res. 136) concerning the wisdom of permitting contributions to campaign funds—to the Committee on Rules.

By Mr. HUMPHREY of Washington: Joint resolution (H. J. Res. 91) providing for the printing of 2,000 additional copies of the Flora of the State of Washington, by Charles V. Piper—to the Committee on Printing.

By Mr. ADAIR: Joint resolution (H. J. Res. 92) proposing an amendment to the Constitution providing for the election of Senators of the United States—to the Committee on Election of President, etc.

By Mr. CAMPBELL: Joint resolution (H. J. Res. 93) authorizing the Secretary of the Interior to certify certain lands to the State of Kansas—to the Committee on the Public Lands.

By Mr. BIRDSALL: Joint resolution (H. J. Res. 94) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

By Mr. HOBSON: Joint resolution (H. J. Res. 95) for the appointment of a Commission on Arbitration and Armament—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 13106) granting an increase of pension to Francis M. Sockman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13107) granting an increase of pension to John D. France—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 13108) granting a pension to James B. Mulford—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 13109) granting an increase of pension to Mrs. Lucy F. Head—to the Committee on Pensions.

Also, a bill (H. R. 13110) granting an increase of pension to Alfred H. Johnston—to the Committee on Pensions.

By Mr. BIRDSALL: A bill (H. R. 13111) granting an increase of pension to Alfred J. Skinner—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 13112) granting a pension to Orrin L. Dake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13113) granting a pension to William E. Pedrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13114) granting a pension to Oliver S. McClain—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 13115) granting an increase of pension to Sebastian S. Getchell—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 13116) granting an increase of pension to Josiah T. McKee—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 13117) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 13118) granting an increase of pension to Simeon Shirrell—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 13119) granting an increase of pension to Thomas M. Cavitt—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 13120) granting an increase of pension to William G. McConnell—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 13121) to remove the charge of desertion from the military record of Thomas Donlon and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 13122) granting a pension to Nancy E. Conner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13123) granting an increase of pension to Martha J. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13124) to correct the naval record of John Stoddart—to the Committee on Naval Affairs.

By Mr. DRAPER: A bill (H. R. 13125) for the relief of William A. Woodruff—to the Committee on Claims.

Also, a bill (H. R. 13126) granting an increase of pension to John McGoldrick—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 13127) granting an increase of pension to George W. Beck—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 13128) granting an increase of pension to Margaret Brown—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 13129) granting an increase of pension to John Cluck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13130) for the relief of William Findly Morrow—to the Committee on War Claims.

Also, a bill (H. R. 13131) granting an increase of pension to J. C. Shaffer—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 13132) granting an increase of pension to Susan Belle Lutze—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 13133) granting an increase of pension to Berl P. Penny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13134) granting an increase of pension to Ellen Champion—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 13135) granting an increase of pension to Wesley Ellison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13136) granting an increase of pension to James M. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13137) granting an increase of pension to Thomas J. Shaffner—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 13138) granting an increase of pension to Epsy M. Mellett—to the Committee on Pensions.

Also, a bill (H. R. 13139) granting an increase of pension to Harlin Keeling—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 13140) granting an increase of pension to John O. Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13141) granting a pension to Cynthia L. Allen—to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 13142) for the relief of Thomas D. Meares, administrator of Armand D. Young, deceased—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 13143) granting an increase of pension to James Cooney—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 13144) granting an increase of pension to Anna K. Rhoades—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13145) granting an increase of pension to Robert N. Gillin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13146) to remove the charge of desertion from the military record of James Charles Cramer—to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 13147) granting a pension to Samuel H. Boren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13148) granting a pension to James M. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13149) granting a pension to W. K. Whittaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13150) granting a pension to J. J. Gilliland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13151) granting a pension to R. H. Farrow—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 13152) granting an increase of pension to John H. Sain—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 13153) granting an increase of pension to William B. Wilson—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 13154) granting a pension to Albert Ray—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 13155) to remove the charge of desertion against Joseph P. Rollins—to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 13156) to remove the charge of desertion from the military record of James B. Boyd—to the Committee on Military Affairs.

Also, a bill (H. R. 13157) providing for the issuance of an honorable discharge to Eugene M. Rush, alias James M. Dunn, late of Company D, One hundred and first Regiment New York Infantry Volunteers—to the Committee on Military Affairs.

By Mr. JONES of Washington: A bill (H. R. 13158) granting an increase of pension to Rudolph B. Scott—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13159) granting an increase of pension to Samuel Brackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13160) granting a pension to Mary Florence Davenport—to the Committee on Pensions.

By Mr. LANDIS: A bill (H. R. 13161) granting an increase of pension to Isaac Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13162) granting an increase of pension to William R. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13163) granting an increase of pension to James T. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13164) granting an increase of pension to Jeremiah Wall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13165) granting an increase of pension to Harrison Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13166) granting an increase of pension to Harmon M. Billings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13167) granting an increase of pension to Oren M. Harlan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13168) granting a pension to Mahala J. Hulsizer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13169) granting a pension to Clarinda Maines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13170) granting a pension to Rose A. Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13171) granting an increase of pension to Barney Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13172) granting a pension to John Paul—to the Committee on Pensions.

Also, a bill (H. R. 13173) granting an increase of pension to Benjamin Fye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13174) granting an increase of pension to Charles R. Korn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13175) granting an increase of pension to David Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13176) granting a pension to Henry Genrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13177) granting a pension to Abraham H. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13178) to remove the charge of desertion from the military record of John D. Cohee—to the Committee on Military Affairs.

Also, a bill (H. R. 13179) to remove the charge of desertion from the military record of Joseph H. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 13180) to remove the charge of desertion from the military record of Ezekiel W. Cohee—to the Committee on Military Affairs.

By Mr. LANGLEY. A bill (H. R. 13181) granting a pension to Fannie Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13182) granting a pension to Cornelius Meek—to the Committee on Pensions.

Also, a bill (H. R. 13183) granting an increase of pension to S. G. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13184) granting an increase of pension to Spencer Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13185) granting an increase of pension to W. H. Begley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13186) for the relief of Col. Azor H. Nickerson—to the Committee on Military Affairs.

By Mr. LEE: A bill (H. R. 13187) for the relief of the heirs of John W. Gilliam—to the Committee on War Claims.

Also, a bill (H. R. 13188) for the relief of the heirs of Augustus and Christine Rich, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13189) for the relief of the heirs of Noah Fugate—to the Committee on War Claims.

Also, a bill (H. R. 13190) granting an increase of pension to John Loughmiller—to the Committee on Invalid Pensions.

By Mr. LILLEY: A bill (H. R. 13191) granting a pension to Harriet A. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13192) granting an increase of pension to Dora K. Flaherty—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 13193) for the relief of Sidney Clay Roberts—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 13194) for the relief of Capt. Thomas Mason, United States Revenue-Cutter Service, retired—to the Commitee on Naval Affairs.

By Mr. McLACHLAN of California: A bill (H. R. 13195) for the relief of Mrs. Ella Phillips, widow, and the heirs of David Phillips, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13196) granting an increase of pension to Lyman Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13197) granting an increase of pension to Edmund D. Spooner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13198) granting an increase of pension to Gideon S. Case—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13199) granting an increase of pension to Mary F. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13200) granting an increase of pension to Ruben J. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13201) granting an increase of pension to William Lemon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13202) granting an increase of pension to John M. Hurtt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13203) granting an increase of pension to Carvil H. Tredway—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 13204) granting a pension to Thomas Corey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13205) granting a pension to William Pouder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13206) granting a pension to Winfield Castle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13207) granting an increase of pension to Franklin Spurgeon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13208) granting an increase of pension to Nathan L. Faulkner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13209) granting an increase of pension to Samuel Emrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13210) granting an increase of pension to James P. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting an increase of pension to David Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13212) granting an increase of pension to George Ross—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 13213) granting an increase of pension to Jesse E. Spangler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13214) granting an increase of pension to A. J. Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13215) granting an honorable discharge to Ernest Brockleman—to the Committee on Military Affairs.

Also, a bill (H. R. 13216) authorizing the appointment of Henry G. Burton, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 13217) granting an increase of pension to Charles O. Judson—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 13218) granting an increase of pension to John M. Butcher—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 13219) granting an increase of pension to Louis Guiette—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 13220) granting an increase of pension to Frank H. Wells—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 13221) granting an increase of pension to Atwell W. Pomeroy—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 13222) granting a pension to Matilda G. Willingham—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 13223) granting an increase of pension to John A. Connant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13224) granting an increase of pension to Autimus King—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 13225) granting a pension to Hannah Hess—to the Committee on Pensions.

Also, a bill (H. R. 13226) granting an increase of pension to Charles S. Derland—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13227) for the relief of the heirs or personal representatives of Daniel Seay, deceased—to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 13228) granting an increase of pension to Andrew S. Ramsdell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13229) granting an increase of pension to Cynthia J. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13230) granting an increase of pension to James S. Casseboom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13231) granting an increase of pension to John Conry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13232) granting an increase of pension to Susan J. Ingalls—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 13233) granting an increase of pension to Abner H. Shaffer—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 13234) granting an increase of pension to Jacob Glass—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 13235) for the relief of F. V. Lesieur—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 13236) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the First Baptist Church of Jefferson City, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 13237) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Christian Church of Sturgeon, Mo.—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 13238) to carry out the findings of the Court of Claims in the case of J. W. Howett, administrator of William Howett, deceased—to the Committee on War Claims.

By Mr. TAYLOR of Ohio: A bill (H. R. 13239) granting an increase of pension to Willard B. Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13240) granting an increase of pension to Jesse A. Lowe—to the Committee on Invalid Pensons.

Also, a bill (H. R. 13241) granting an increase of pension to Daniel Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13242) granting an increase of pension to David L. Coffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13243) granting an increase of pension to George W. Bradley—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 13244) to place upon the muster-in rolls the name of John O. Kinney—to the Committee on Military Affairs.

Also, a bill (H. R. 13245) granting an increase of pension to Martin V. B. Davis—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 13246) granting an increase of pension to Jerome B. Bigelow—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 13247) granting a pension to Elon E. Engley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13248) granting a pension to Margaret Mahearn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13249) to correct the military record of Elon E. Engley—to the Committee on Military Affairs.

Also, a bill (H. R. 13250) for the relief of Mary E. Quinn—to the Committee on Claims.

By Mr. WOODYARD: A bill (H. R. 13251) granting an increase of pension to Alonzo T. Morriston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13252) granting an increase of pension to Zachary T. Lyons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13253) granting an increase of pension to Salathial S. Stalnaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13254) granting an increase of pension to Mary E. Bee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13255) granting an increase of pension to Flavius J. Ruley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Dairy Grange, No. 1308, against repeal of 10-cent tax on oleomargarine—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Findly Brandon—to the Committee on Invalid Pensions.

By Mr. ADAIR: Papers to accompany bills for relief of George W. Miller and William W. Angel—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Farmers' Institute of Hicksville, Ohio, for amendment to Constitution for election of Senators by the direct vote of the people—to the Committee on the Judiciary.

By Mr. ASHBROOK: Paper to accompany bill for relief of Harriet Hickey—to the Committee on Pensions.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of Frank G. Curry—to the Committee on Pensions.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Lucy F. Head—to the Committee on Pensions.

Also, paper to accompany bill for relief of Alfred H. Johnston—to the Committee on Pensions.

By Mr. BIRDSALL: Petition of Fowler Post, Grand Army of the Republic, Department of Iowa, for amendment of the McCumber bill, granting $20 per month for soldiers of 65 years of age—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of Lumberman's Exchange of Philadelphia, for amendment of the interstate-commerce law against any railway company changing rates without permission of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Ohio State Council, Junior Order of United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Board of Trade of Chicago, against Federal uniform inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Paper to accompany bill for relief of John Stoddart—to the Committee on Naval Affairs.

Also, papers to accompany bills for relief of Mrs. Nancy E. Connor and Martha J. Lang—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petition of Farmers' National Congress, favoring national aid for instruction in mechanic arts and home economics in high schools and for maintenance of agricultural high schools—to the Committee on Agriculture.

Also, petition of Jonathan P. Temple and others, of Morristown, Minn., for the Sherwood pension bill, giving civil-war soldiers $1 per day—to the Committee on Invalid Pensions.

Also, petition of Navigation Conference, for a harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of National Association of Audubon Societies, for protection of wild animals and birds—to the Committee on Agriculture.

By Mr. DAWSON: Petition of Iowa County (Iowa) Soldiers and Sailors' Association, favoring the Dawson bill for increase of widows' pensions—to the Committee on Invalid Pensions.

Also, petition of Muscatine (Iowa) Trades and Labor Assembly, for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lovas Council, No. 532, Knights of Columbus, of Davenport, Iowa, against change in postal laws relative to classification of second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. W. Rosenberger and others, for legislation granting pensions to ex prisoners of war—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Paper to accompany bill for relief of George W. Beck—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: Papers to accompany bills for relief of John Wagner and Griffith T. Murphy—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of trustees of the State Soldiers' Home of New York, for restoration of canteen to all Soldiers' Homes—to the Committee on Military Affairs.

By Mr. FOCHT: Paper to accompany bill for relief of James C. Megahan—to the Committee on Invalid Pensions.

By Mr. FULLER: Paper to accompany bill for relief of Berl P. Penny—to the Committee on Invalid Pensions.

Also, petition of Woman's Interdenomination Missionary Union of the District of Columbia, for a Sunday-rest law and for prohibition of the liquor traffic in the District—to the Committee on the District of Columbia.

By Mr. GARRETT: Papers to accompany bills for relief of Thomas J. Shoffeur, James M. Johnson, and Wesley Ellison—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of Navigation Conference, for a harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of National Association of the Audubon Societies—to the Committee on Agriculture.

Also, petition of Hoskinson Camp, No. 31, United Spanish War Veterans, of Erie, Pa., for increase of pay for officers and men of the Army and Navy—to the Committee on Military Affairs.

By Mr. HAYES: Paper to accompany bill for relief of certain officers of the Second Louisiana Cavalry—to the Committee on Military Affairs.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Frank E. Wadhams—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Papers from Garfield Association of Long Branch, N. J., to accompany H. R. 12894, for monument to the late President Garfield—to the Committee on the Library.

By Mr. HOWELL of Utah: Paper to accompany bill for relief of J. W. Howell—to the Committee on Invalid Pensions.

By Mr. KAHN: Petitions of George R. Fitzgerald and A. R. Smith, of San Francisco, Cal., favoring prohibition of Asiatic immigration—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of J. Jerry and others, of North Adams and Williamstown, Mass., for a civil-war officers' volunteer retired list—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of Calhoun (Ga.) Baptist Church—to the Committee on War Claims.

By Mr. LILLEY: Paper to accompany bill for relief of Harriet A. Wheeler—to the Committee on Invalid Pensions.

By Mr. LLOYD: Paper to accompany bill for relief of Sidney Clay Roberts—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of residents of Salem County, for improvement of Alloways Creek from the village of Clinton to the village of Alloway—to the Committee on Rivers and Harbors.

Also, memorial of the Joint Executive Commission on the Improvement of the Harbor of Philadelphia—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Paper to accompany bill for relief of Louis Guiette—to the Committee on Invalid Pensions.

By Mr. MANN: Paper to accompany bill for relief of Atwell W. Pomeroy—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Paper to accompany bill for relief of Matilda G. Willingham—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of James F. Campbell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Samantha Schrimpher, wife of Thomas J. Schrimpher—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of citizens of Dauphin County, Pa., for legislation adequately protecting the dairy interest of the country—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of National Veneer and Lumber Company, for amendment to interstate-commerce law, to prevent railway companies from advancing rates without approval of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Commerical Telegraphers' Union of America, for investigation of the condition of the Western Union and Postal Telegraph companies with relation to the people—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. G. Nantz, J. O. Carson, B. T. Cartright, William Allen, Frank J. Connor, Frank Duffy, Harvy N. Connor, William Kennett, Theo Neale, and Walter H. King, against Asiatic immigration—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of R. W. Seay—to the Committee on War Claims.

By Mr. PEARRE: Petition of Board of Trade of Baltimore, for harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of Board of Trade of Baltimore, Md., for nonpartisan commission to readjust the tariff—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of Grand Army of the Republic post of Platsmouth, Nebr., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of board of trustees of State Soldiers' Home, Bath, N. Y., for restoration of the canteen to Soldiers' Homes throughout the country—to the Committee on Military Affairs.

By Mr. RYAN: Paper to accompany bill for relief of Seymour H. Marshall—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Thomas King and Albert Conklin—to the Committee on Invalid Pensions.

By Mr. STERLING: Papers to accompany bills for relief of Olga H. Updegraff, G. E. Stump, and Jacob Batrim—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of National Corps Army and Navy Union, United States Army, for increase of pay for officers and men of Army, Navy, Marine Corps, and Revenue-Cutter Service—to the Committee on Military Affairs.

By Mr. WASHBURN: Petition of Navigation Conference, for harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Petition of Axel Erickson and others, against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Board of Trade of St. Louis, Mo., against removal of duty on sugar for the Philippines—to the Committee on Ways and Means.

Also, petition of Business Men's Association of Battle Creek, Mich., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 11, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMAND OF HOSPITAL SHIP RELIEF.

Mr. FOSS. Mr. Speaker, I offer a privileged report and call for the reading of the resolution and the report.

The Clerk read as follows:

House resolution 120.

Resolved, That the Secretary of the Navy be, and he is hereby, requested, if not incompatible with public interests, to furnish to the House of Representatives, for its information, copies of all official letters, reports, orders, and so forth, filed in the Navy Department in connection with the appointment of Surg. Charles F. Stokes as commander of the United States hospital ship Relief, and also all letters, reports, orders, and so forth, filed in the Navy Department in connection with the appointment and resignation of Rear-Admiral Willard H. Brownson as Chief of the Bureau of Navigation.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred House resolution No. 120, requesting the Secretary of the Navy to furnish to the House of Representatives all official letters, reports, orders, etc., filed in the Navy Department in connection with the appointment of Surg. Charles F. Stokes as commander of the United States hospital ship *Relief*, and also all letters, reports, orders, etc., in connection with the appointment and resignation of Rear-Admiral Willard H. Brownson as Chief of the Bureau of Navigation, having had the same under consideration, report as follows:

That the resolution be amended as follows:

In line 4 strike out the words "so forth" and after the word "and" insert "other papers." In line 8 strike out the words "so forth" and after the word "and" insert "other papers." In line 9 strike out the words "appointment and."

When so amended the committee recommend that the resolution do pass.

The amendments recommended by the committee were agreed to.

The resolution as amended was agreed to.

HOUSE OFFICE BUILDING.

Mr. MANN. Mr. Speaker, I present a further privileged report.

The Clerk read as follows:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building and the redistribution of rooms under the control of the House in the Capitol building beg leave to make a further partial report and to recommend the adoption of the following resolution, to wit:

"*Resolved*, That the following assignment of rooms be, and hereby is, made, to wit:

"IN THE HOUSE OFFICE BUILDING.

"To the Committee on the Census, room 141 and room at southeast corner on the first floor.

"To the Committee on Militia, rooms 284 and 285 in place of room 288, heretofore assigned.

"To the Committee on Private Land Claims, rooms 281 and 282.

"IN THE CAPITOL BUILDING.

"To the Committee on the Post-Office and Post-Roads, the rooms heretofore occupied by the Committee on Agriculture and the Committee on Insular Affairs.

"To the Committee on Mines and Mining, the room heretofore occupied by the Committee on Patents.

"As an addition to the minority conference room, the room heretofore occupied by the Committee on the Post-Office and Post-Roads.

"To the Committee on Education, the room heretofore occupied by the Committee on Private Land Claims.

"*Resolved further*, That the rooms made out of the ends of corridors heretofore occupied by the Committee on Disposition of Useless Documents in the Executive Departments, the Committee on Rivers and Harbors, and the Commitee on Expenditures in the Navy Department be abolished and the space restored as part of the corridors."

All of which is respectfully submitted.

JAMES R. MANN.
JOSEPH H. GAINES.
H. O. YOUNG.
JAMES T. LLOYD.
W. C. ADAMSON.

Mr. MANN. I ask for the adoption of the resolution.

The resolution was agreed to.

SHELBY COUNTY, TEX.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6231) to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That Shelby County, in the State of Texas, be, and the same is hereby, attached to and made a part of the Beaumont division of the eastern judicial district of the State of Texas and detached from the Tyler division of said judicial district.

SEC. 2. That all process against persons resident in said county of Shelby and cognizable before the court in said judicial district shall be issued out of and made returnable to said court at Beaumont, and that all prosecutions against persons for offenses committed in said county shall be tried in said court at Beaumont: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I suppose this bill has been reported unanimously.

Mr. COOPER of Texas. Unanimously reported by the committee.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. COOPER of Texas, a motion to reconsider the last vote was laid on the table.

Mr. COOPER of Texas. Mr. Speaker, I should like to have the report of the committee printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent for the printing in the RECORD of the report of the committee. Is there objection?

There was no objection.

Report (by Mr. HENRY of Texas) is as follows:

The Committee on the Judiciary has had under consideration the bill (H. R. 6231) to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district, and report as follows:

The county of Shelby, in the eastern district of the State of Texas, is now attached to the court held at Tyler. It appears that the